

**CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT**

February 9, 2012 Meeting

Agenda Item 3

SUBJECT: Weinberg Variance - (PA2011-207)
138 Via Xanthe
▪ Variance No. VA2011-010

APPLICANT: Paul Weinberg

PLANNER: James Campbell, Principal Planner
(949) 644-3210, jcampbell@newportbeachca.gov

PROJECT SUMMARY

Variance application to allow the construction of a 818 square foot, second story addition to an existing nonconforming residence. The addition would encroach 1 foot within both required 4 foot side yard setback areas.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ approving Variance No. VA2011-010 (Attachment PC 1).

INTRODUCTION

Project Setting

The project site is a 4,400-square-foot lot (50' x 88') located at 138 Via Xanthe on Lido Isle. The project site is currently developed with a 2,523 square-foot, single-story dwelling including a 2-car garage. The existing residence was built in 1950 and has undergone several additions and modifications since. The abutting properties are developed with single family homes and the rear of the property faces a public walkway ("strata").

Project Description

The applicant proposes to construct an 818 square foot, second-story addition to the existing single-story residence. The addition would occupy roughly the rear 1/3 of the property with 1-foot encroachment being approximately 18 feet in length on the south and approximately 22 feet in length on the north. The applicant has provided a justification statement (Attachment PC 2) and plans (Attachment PC 3).



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	RS-D (Single Unit Residential, Detached)	R-1 (Single Unit Residential)	Single Family
NORTH	RS-D (Single Unit Residential, Detached)	R-1 (Single Unit Residential)	Single Family
SOUTH	RS-D (Single Unit Residential, Detached)	R-1 (Single Unit Residential)	Single Family
EAST	RS-D (Single Unit Residential, Detached)	R-1 (Single Unit Residential)	Single Family
WEST	RS-D (Single Unit Residential, Detached)	R-1 (Single Unit Residential)	Single Family

DISCUSSION

General Plan

The Land Use Element of the General Plan designates the site RS-D (Single-Unit Residential Detached). The project is consistent with this classification.

Zoning Code

The property is zoned R-1 (Single-Unit Residential) and the project is consistent with the allowed uses of the R-1 zone. The existing residence provides 3-foot side yard setback areas and the minimum required setback is 4 feet based upon width of the lot. The structure was legally established, and thereby considered legal nonconforming. No other zoning nonconformities are known to exist based upon submitted plans, current zoning code and site inspection. Chapter 20.38 (Nonconforming Uses and Structures) limits additions to 50% of the existing gross floor area provided the addition conforms to applicable standards or a Variance has been approved.

The 818 square foot addition is approximately 39% of the existing floor area. The proposed addition meets all applicable zoning standards (front and rear setbacks, parking, floor area, open volume and building height) with the exception of the required 4-foot side setbacks.

Variance

A variance is a request to waive or modify certain standards when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district. A variance can only be granted to maintain parity between the variance site and nearby properties in the same zoning district. To do otherwise would constitute a grant of special privileges that is inconsistent with the limitations upon other properties.

Section 20.52.090.F of the Zoning Code, requires the Planning Commission to make the following findings before approving a variance:

- A. *That there are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification.*
- B. *That strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.*

- C. *That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.*
- D. *That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.*
- E. *That the granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.*
- F. *Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.*

Staff concludes that there are facts associated with the subject property that support the required findings. The existing lot is developed with a residence with 3-foot side yards. Strict application of the setback standard would not allow the exterior wall of the proposed addition to be supported by the existing building wall and foundation directly below. From a structural standpoint, additional framing and foundation elements would be necessary to properly support the addition as proposed. Alternatively, the walls and foundation below would need to be completely reconstructed or replaced, which is a significant increase in the scope of construction. These considerations are special circumstances where strict compliance with the side setback standard significantly limits the ability of the property owner to create a two-story home thereby depriving a substantial property right afforded by other R-1 lots on Lido Isle.

The abutting properties are developed with a single and two-story residences and the proposed addition does not have windows that directly face the homes on either side. Therefore, privacy should not be compromised. The proposed addition is approximately 21 feet high at its highest point (at the rear setback line) and approximately 17 feet high at the lowest point. These heights are well below the 24-foot height limit and as a result, the design provides adequate access, air and solar access.

The applicant represents that the abutting neighbors and the Lido Isle Homeowners Association have reviewed and approved the proposed project. These endorsements are an indication of neighborhood compatibility.

The granting of the applicant's request is consistent with the intent of the General Plan and Zoning Code to provide a safe and livable community. Despite the setback encroachment, the overall design meets residential design criteria by avoiding long unarticulated walls, second floor set back from the street, and architectural treatment of elevations. Therefore, staff recommends that the Planning Commission approve Variance No VA2011-010 based on the discussion and facts above and the

recommended conditions of approval that have been incorporated into the attached Resolution (Attachment PC1).

Alternatives

The Planning Commission can modify or deny the project if necessary to avoid a perceived detriment to surrounding properties.

Environmental Review

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities). Additions to structures that are less than 50% of the existing building qualify provided there is no expansion of use. The proposed addition is approximately 33% of the existing residence and the residential density remains unchanged.

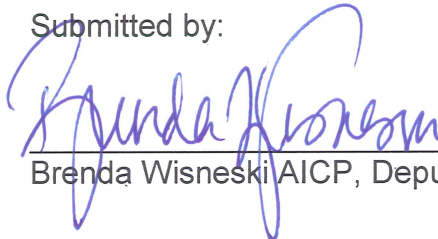
Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:


James Campbell, Principal Planner

Submitted by:


Brenda Wisneski AICP, Deputy Director

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 Applicant's justification statement
- PC 3 Project plans

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Attachment PC-1

Draft Resolution with
Findings and Conditions

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RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING VARIANCE NO. VA2011-010 TO ALLOW A SECOND STORY ADDITION TO AN EXISTING SINGLE FAMILY HOME TO ENCROACH 1 FOOT WITHIN BOTH REQUIRED 4 FOOT SIDE YARD SETBACKS AT 138 VIA XANTHE (PA2011-207)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Paul and Bailey Weinberg, with respect to the property located at 138 Via Xanthe, and legally described as Lot 376 and the Northeasterly 15 feet of Lot 375 of Tract No. 907 requesting approval of a Variance No. VA2011-010.
2. The applicant proposes a variance to allow the construction of a second story addition to encroach 1 foot within both 4-foot side setbacks areas. The existing single-story residence is legal nonconforming as it is currently developed with a 3-foot side yard setback areas where the minimum required side setback is 4 feet.
3. The Land Use Element of the General Plan designates the site RS-D (Single-Unit Residential, Detached) and allows detached single family dwellings.
4. The Coastal Land Use Plan categorizes the subject property as RSD-C (Single Unit Residential Detached - 10.0 - 19.9 DU/AC) and allows detached single family dwellings.
5. The property is zoned R-1 (Single Unit Residential), which provides for single-family residential uses.
6. A public hearing was held on February 9, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities). The exemption accommodates additions to existing structures that are less than 50% of the existing building provided there is no expansion of use. The proposed addition is approximately 33% of the existing residence and the residential density remains unchanged.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.090.F of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *That there are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification.*

Facts in Support of Finding:

- A-1. The existing lot is 50 feet in width and the current zoning code requires 4-foot side yard setback areas. The lot was permitted to be developed with a single family residence with 3-foot side yards in 1950, and the structure is considered legal, nonconforming.

Finding:

- B. *That strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.*

Facts in Support of Finding:

- B-1. Strict application of the setback standard would not allow the exterior wall of the proposed addition to be supported by the existing building wall and foundation directly below. From a structural standpoint, additional framing and foundation elements would be necessary to properly support the addition as proposed. Alternatively, the walls and foundation below would need to be completely reconstructed or replaced, which is a significant departure from the desired scope of construction. Strict compliance with the side setback standard given the unique circumstances identified in the facts that support the Finding A above significantly limits the ability of the property owner to create a two-story home thereby depriving a substantial property right afforded by other R-1 lots on Lido Isle.

Finding:

- C. *That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.*

Facts in Support of Finding:

- C-1. The project site is designated for single family residential use by the General Plan and the Zoning Ordinance. Two-story construction is allowed on any R-1 designated property by the Zoning Ordinance and approval of the Variance is necessary to preserve that right without the significant added construction it would take to comply with the setback standard.

Finding:

- D. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.*

Facts in Support of Finding:

- D-1. The granting of the Variance would not constitute a special privilege inconsistent with the limitations upon other properties Zoned R-1 as it allows the property owner to maintain parity with the development of other lots in the vicinity.
- D-2. The granting of the Variance does not relieve the requirement to obtain required Building Permits and any corrective work deemed necessary by the Building Official.

Finding:

- E. That the granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.*

Facts in Support of Finding:

- E-1. The abutting properties are developed with a single and two-story residences and the proposed addition does not have windows that directly face the homes on either side, and therefore, privacy will not be compromised.
- E-2. The proposed addition is approximately 21 feet high at its highest point (at the rear setback line) and approximately 17 feet high at the lowest point. These heights are well below the 24-foot height limit and as a result, the design does not significantly affect air and solar access.
- E-3. The overall design, based upon the approved plans, meets residential design criteria provided within Section 20.48.180, Subsection B.2. by avoiding long unarticulated walls, providing second floor set back from the street, and providing architectural treatment of all elevations.

- E-4 The approval of this Variance is conditioned such that the applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes.

Finding:

- F. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.*

Facts in Support of Finding:

- F-1. The principal purpose of setback standards is to provide adequate separation of buildings for light, access and ventilation. The existing building provides 3-foot setbacks to both side property lines and approval of the Variance will not diminish this setback area as the addition is on the second floor. Abutting residences also provide 3-foot side yard setback areas to the common lot lines, therefore, there will be 6 feet separating the project and abutting buildings. Adequate separation of the proposed addition from these adjoining properties will be maintained consistent with the intent of the Zoning Code.
- F-2. The subject property is designated by the Land Use Element of the General Plan RS-D (Single-Unit Residential, Detached) and allows detached single family dwellings. Approval of the Variance will not affect density or intensity of uses.
- F-3. The subject property is zoned R-1, which provides single-family residential uses and approval of the Variance will not affect density or intensity of uses.
- F-4. The subject property is not located within a specific plan area.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby approves Variance No. VA2011-010, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 9TH DAY OF FEBRUARY, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Michael Toerge, Chairman

BY: _____
Fred Ameri, Secretary

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

PLANNING

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (Except as modified by applicable conditions of approval).
2. Variance No. VA2011-010 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
5. This Variance may be modified or revoked by the City Council or Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
6. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Department.
7. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Voyer Variance including, but not limited to, the Variance No. VA2011-010. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building

8. *The property is located in a liquefaction area and a geotechnical investigation is required. The foundation may be designed in accordance with the Building Division's minimum mitigation design standards.*
9. The applicant is required to obtain all applicable permits from the City Building and Fire Departments. The construction plans must comply with the most recent, City-adopted version of the California Building Code.

Public Works

10. *All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site requires an encroachment agreement. Planters, stone pavement within the driveway and the stone paved entry are considered non standard improvements.*
11. *No permanent structures shall be permitted within the existing 4-foot wide public utilities easement along Via Xanthe.*
12. An encroachment permit is required for all work activities within the public right-of-way.
13. Install a sewer cleanout on the existing sewer lateral per Standard Drawing STD-406-I.
14. All on-site drainage shall comply with the latest City Water Quality requirements.
15. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
16. All improvements shall be constructed as required per ordinance and the Public Works Department.

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Attachment PC-2

Applicant's justification statement

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Planning Permit Application for Variance
Plan Check No. 2361-2010
(138 Via Xanthe, Newport Beach, CA 92663 – Paul and Bailey Weinberg)

Attachment A

3. Project Description and Justification:

The project is demolition and addition of a second floor to an existing single-story single-family residence comprising 2,048 square feet with an existing 2-car covered garage comprising 445 square feet.

The existing residence was constructed in 1994 and 1995 as a “remodel” of a much older residence that was in significant disrepair and suffering foundation and other structural infirmities.

I obtained permits for a comprehensive remodel of the property in 1994 and completed the process in 14 months, obtaining foundation, structural, plumbing, electrical and other ancillary permits for the work. The work was inspected XXX. The existing property had 3’ side yard setbacks and, during the 1994 and 1995 time period, the City indicated that, as long as the footprint was not modified in any manner, the existing building envelope could be observed and rebuilt.

In October of 2010, my wife, Bailey Weinberg and I engaged Richard Okimoto, an AIA licensed architect to design and submit plans for a second story addition. He did so on December 20, 2010, including structural calculations, structural plans, a demolition plan and Title 24 and other related calculations per the City’s requirements. That modification contemplated a new second floor of 2381 square feet with new project total of 4874 square feet. His plans indicated that the maximum floor area ratio to be classified as “categorically XXX” equaled 1.5 times the net lot area, or 3256 square feet times 1.5, equally 4884 square feet. (The lot is actually a lot and a half, and its dimensions are 50 feet in width by 88 feet in depth, or 0.1 acre or 4400 square feet. The existing front and rear setbacks have been adhered to, the core of this application for variance is an apparent error made by the architect in both the side yard setbacks and the applicability of the existing garage for the new second story.

On December 23, 2010, we received Residential Zoning Corrections reflecting, in essence, two primary zoning complaints. The first stated:

“29. ... 1. New structure cannot encroach into the required 4-foot side setbacks. I don’t understand how the original structure was able to be built at 3-foot side setbacks because, according to the records I found, this home was built in 1950. At that time, homes built on lots that were wider than 40 feet had required 4-foot side setbacks.”

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Attachment A – Page 2

The Residential Zoning Corrections also contained the requirement to provide space for a third car in the garage in Item 31 on its Page 4.

We are therefore seeking relief from the Planning Commission in the form of a variance to be allowed to build the second floor with the 3-foot side yard setbacks and to leave the existing garage in place for a number of reasons. Newport Beach Municipal Code Section 20.91.035 requires that the Planning Commission make certain findings for variances, four in number. I'll approach them one at a time, and explain each one in the context of the surrounding circumstances, the special characteristics of our particular lot and historical data.

The first criterion is:

"That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification."

Probably the best place to start is the potential safety issue if the Code is strictly followed. In essence, complying with the Code would require us to "step inward" the second floor. This would, in essence, interrupt the wall and both the north and south elevations. We asked our structural engineer, Robert Onishi, to supply you with a letter of January 5, 2011 and sketches illustrating this. In that letter, he stated:

"With the proposed revision, the load path will immediately be disrupted at the second floor 'plane' due to the proposed twelve inch offset. Based on our preliminary study shown on Plate B, we have determined that additional framing (and foundation) elements will be required to accommodate the proposed offsets. Also, current Municipal Codes mandate amplification of seismic components (shear wall tie downs) when direct load paths are not maintained. We anticipate that these structural modifications will result in significant increased construction cost due to the added labor and materials."

A cursory review of Mr. Onishi's Plate A and Plate B show a great number of new or modified floor beams (see Plate B). They also show the required relocation of load bearing walls and bearing/shear walls (see Plate A).

The drawings in his letter overall make clear that if the load path is interrupted, the building just isn't going to be as stable. It is more than simply just a cost issue, the structural engineer has raised a safety issue; it is not going to be as safe a structure if the plane is interrupted. Perhaps more importantly, though, the 3-foot setback on the ground floor will remain in any event. This isn't an issue; the Planning Department accepts that the modification would involve only the second floor. Therefore not only aesthetically, but functionally, the reasonable use of the structure would be interrupted. The likelihood of water intrusion at the

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Attachment A – Page 3

seam where the first and second floors are joined, the necessity to install specialized roofing material to prevent or at least hinder the water intrusion would clearly be a problem and a factor; additional waterproofing steps would be necessary and, because of the weakness, joint problems associated with bringing north and south walls in twelve inches from the existing structure would exist.

The alteration does not increase the structure's inconsistency with the regulations of the Zoning Code; the ground floor is and will remain at the three-foot side yard setback. Attached exhibits (Site Plan and North and South Elevations) from the architect show a minimal amount of footage is lost, under 200 square feet, leaving the second floor at three feet on both the north and the south setbacks. Additionally, the property owner has agreed to voluntarily pull in the west (front) setback and, in addition, to allow the Canary pine tree in the front yard to remain. Some of the square footage that the property owner would be allowed to retain will be offset by this additional voluntary setback. Please also note that, on the north property line, as the north elevation points out, the windows will be small and the sill height will be high to maintain privacy. No other fenestration or other openings in the building, save and except the existing frosted opaque glass window at the guest bath, exist. This maintains both sound and sight privacy for the northern neighbor, Marion Pickens. In the same manner, the southern neighbor, the Wades, will continue to enjoy more than one third of the property line having a 28-foot setback; the existing atrium will be preserved with the new construction. The footprint, as can be seen by the enclosed site plan, will preserve the atrium on both the first and second floor, allowing light, air and view to remain for the southern neighbor.

This lot size is clearly quite small; the neighbors on both the north and south of the subject lot enjoy second floor space and are not required to have a third-car garage. The applicant's scope of work is an addition, not demolition and new construction (scraping the 4 lot).

The second finding is as follows:

"That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant."

Subdivision 2 can be analyzed in the context of its phrase "substantial property rights." Clearly, the right to live in and to a safer, more seismically resistant structure is a substantial property right. Additionally, the lack of likelihood of water intrusion and other use-related problems associated with modifying the structure don't occur if the applicant is allowed to maintain the three-foot setback for the second floor. The property right can also be analyzed in the context of the additional cost, which clearly would be substantial and for no real net reason. The neighbors would not really benefit from it; the southern neighbor enjoys, in essence, a 28-foot setback for over one third of the lot line and the northern neighbor already

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Attachment A – Page 4

has the three-foot setback and has, in essence, a blank wall on that side of her residence anyway.

Subsection 3 of the findings state:

“That the granting of the application is consistent with the purposes of this code and will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.”

As to Subsection 3, no special privilege is being granted here; the age of this property and the existence of the adjacent neighbor’s two-story structure with the same setbacks negate the question of a special privilege inconsistent with the limitations on other properties in the vicinity. This argument applies equally to the southern neighbors as well; they will now enjoy, with the new design, a 28-foot side yard setback on over one third of the lot and no privacy infringement will take place as there will be no windows or fenestration on the south side. There is no conceivable view block in any event; the applicant is building to the Lido Isle Community Association 24-foot height limit, five feet lower than the City’s height limitations, voluntarily. Nearly all of the homes on Via Xanthe enjoy a two-story height; applicant is not seeking anything larger than or different from what the neighbors have, save and except the maintenance of the three-foot setbacks.

Subsection 4 requires:

“That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.”

Finally, as to Subsection 4, a very forceful argument can be made that, if the application is not granted there is the very good likelihood that construction of the second floor with the weaker structural system will materially affect adversely the health or safety of persons residing in or working in the neighborhood, particularly if there is a seismic event. There just is no way to make the building safer if it has to be “stepped back” an additional foot for the second floor than if all four of the planes can move as one. Further, there will be no injury to anyone else’s property or improvements and the public welfare will not be injured because the side yards are not visible to the public and there will be no additional burden or impact to either of the neighbors by the intended use. In point of fact, by voluntarily not putting any windows on the south elevation, the southern neighbors, the Wades, will get the benefit of no loss of privacy and one third of their lot line having a 28-foot setback.

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Attachment A – Page 5

Please consider all of these factors in your review and discussion of the applicant's request. My wife and I thank you for your time and consideration.

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Attachment PC-3

Project plans

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WEINBERG RESIDENCE
138 VIA XANTHE, NEWPORT BEACH, CA 92663


**MCCLEAN
DESIGN**

1278 GLENNEYRE, #233
LAGUNA BEACH, CA 92651

714-505-0556 (T)
714-505-0557 (F)

PROJECT	
DRAWN BY	Author
DATE	11/02/2011

WEINBERG RESIDENCE
138 VIA XANTHE, NEWPORT BEACH, CA 92663



COV

1. THESE PLANS SHALL COMPLY WITH THE 2007 CALIFORNIA CODES, CBC, CPC, CMC, CEC AND ALL APPLICABLE LOCAL CODES AND ORDINANCES.
2. PROJECT SHALL COMPLY WITH NPDES, SUSMP, AND BMP REQUIREMENTS
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CODES OF THE GOVERNING AUTHORITY AND SPECIAL REQUIREMENTS OF THE BUILDING PERMIT.
4. ALL WORKMANSHIP AND MATERIALS SHALL COMPLY WITH THE LATEST EDITION OF THE CALIFORNIA BUILDING CODES, APPLICABLE CBC STANDARDS AND / OR ALL ADDITIONAL REQUIREMENTS OF THE CITY OF LAGUNA BEACH.
5. PROJECT MUST COMPLY WITH LATEST STATE TITLE 24 ENERGY STANDARDS.
6. EXTERIOR WALLS SHALL BE APPROVED NONCOMBUSTIBLE OR IGNITION RESISTANT MATERIAL, HEAVY TIMBER, OR LOG WALL. CONSTRUCTION OR SHALL PROVIDE PROTECTION FROM THE INTRUSION OF FLAMES AND EMBERS IN ACCORDANCE WITH STANDARD SFM 12-7A-1 (704A.3.1).
7. FIRE BLOCKS AT THE FOLLOWING LOCATIONS PER SECTION 2516 (F):
 - 7.1. IN CONCEALED SPACES OF STUD WALLS AND PARTITIONS (INCLUDING FURRED SPACES) AT THE CEILING AND FLOOR LEVELS AND AT 10FT INTERVALS BOTH VERTICALLY AND HORIZONTALLY.
 - 7.2. AT ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS OCCUR AT SOFFITS, DROPPED AND COVED CEILINGS.
- 7.3. IN CONCEALED SPACES BETWEEN STAIR STRINGERS AT THE TOP AND BOTTOM OF THE RUN AND BETWEEN STUDS ALONG WITH AND IN LINE WITH THE RUN OF THE STAIRS, IF THE WALLS UNDER THE STAIRS ARE UNFINISHED.
- 7.4. IN OPENINGS AROUND VENTS, PIPES, DUCTS, CHIMNEYS, FIREPLACES AND SIMILAR OPENINGS WHICH AFFORD A PASSAGE FOR FIRE AT CEILING AND FLOOR LEVELS.
- 7.5. AT OPENINGS BETWEEN ATTIC SPACES AND CHIMNEY CHASES FOR FACTORY BUILT CHIMNEYS.
8. ARTIFICIAL LIGHT SHALL BE PROVIDED THAT IS ADEQUATE TO PROVIDE AN AVERAGE ILLUMINATION OF 10 FOOT- CANDLES (107 LUX) OVER THE AREA OF THE ROOM AT A HEIGHT OF 30 INCHES (762mm) ABOVE THE FLOOR LEVEL. 1205.3
9. STAIRWAYS WITHIN DWELLING UNITS AND EXTERIOR STAIRWAY SERVING A DWELLING SHALL HAVE AN ILLUMINATION LEVEL ON TREAD RUNS OF NOT LESS THAN 1 FOOT-CANDLE (11LUX). 1205.4
10. SMOKE DETECTORS:
- 10.1. HARD-WIRED SMOKE DETECTORS WITH A BATTERY BACKUP ARE REQUIRED ON THE CEILING OR WALL OUTSIDE OF EACH SEPERATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF BEDROOMS. SHOW ALL LOCATIONS WITH A SYMBOL ON THE PLAN [907.2.10.1.2]
- 10.2. HARD-WIRED SMOKE DETECTORS WITH A BATTERY BACKUP ARE REQUIRED IN EACH ROOM USED FOR SLEEPING PURPOSES. SHOW ALL LOCATIONS WITH A SYMBOL ON THE PLAN [907.2.10.1.2]
- 10.3. HARD-WIRED SMOKE DETECTORS WITH A BATTERY BACKUP ARE REQUIRED IN EACH STORY WITHIN A DWELLING UNIT, INCLUDING BASEMENTS BUT NOT INCLUDING CRAWL SPACES AND UNINHABITABLE ATTICS. IN DWELLINGS OR DWELLING UNITS WITH SPLIT LEVELS AND WITHOUT AN INTERVENING DOOR BETWEEN THE ADJACENT LEVELS, A SMOKE ALARM INSTALLED ON THE UPPER LEVEL SHALL SUFFICE FOR THE ADJACENT LOWER LEVEL PROVIDED THAT THE LOWER LEVEL IS LESS THAN ONE FULL STORY BELOW THE UPPER LEVEL. SHOW ALL LOCATIONS WITH A SYMBOL ON THE PLAN [907.2.10.1.2]
- 10.4. WHERE MORE THAN ONE SMOKE ALARM IS REQUIRED TO BE INSTALLED WITHIN AN INDIVIDUAL DWELLING UNIT, THE SMOKE ALARMS SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTIVATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT. THE ALARM SHALL BE CLEARLY AUDIBLE IN ALL BEDROOMS OVER BACKGROUND NOISE LEVELS WITH ALL INTERVENING DOORS CLOSED. 907.2.10.3
11. PRIOR TO ISSUANCE OF PERMIT OF ANY EXCAVATION A MEETING SHALL BE HELD AT THE SITE THAT WILL BE ATTENDED BY THE PROJECT ENGINEERING GEOLOGIST AND PROJECT ENGINEERING GEOLOGIST, PROJECT BUILDING INSPECTOR, GENERAL CONTRACTOR AND SHORING CONTRACTOR
12. CONTACT DIG ALERT PRIOR TO ANY EXCAVATION
13. CAL OSHA PERMIT SHALL BE OBTAINED FOR ALL EXCAVATIONS DEEPER THAN 5'-0". A COPY OF THE PERMIT SHALL BE PROVIDED TO THE CITY. PRIOR TO ISSUANCE OF A BUILDING PERMIT.
- 13.1. IF SHORING IS REQUIRED, OBTAIN SHORING PERMIT PRIOR TO ISSUANCE OF BUILDING PERMIT.
- 13.2. A BOND IN THE AMOUNT OF SHORING COST IS REQUIRED.
- 13.3. VERIFY ALL LOCATIONS OF EXISTING UTILITIES WITH SERVING UTILITY PRIOR TO COMMENCEMENT OF ANY WORK AND VERIFY LOCATION WITH DESIGNER
- 14.1. IF NECESSARY UNDERGROUND ALL UTILITY LINES TO THE NEAREST EXISTING UTILITY POLE.
15. A SEPERATE PERMIT IS REQUIRED FOR ALL RETAINING WALLS, GARDEN WALLS, POOLS, SPAS, FENCES, ENCROACHMENT INTO PUBLIC RIGHTS OF WAY (IE. DRIVEWAYS, SIDEWALKS ETC.)
16. FIRE SPRINKLER PERMIT TO BE DEFERED SUBMITTAL AND/OR FIRE DEPT. EXEMPTION.
17. ALL ROOF AND DECK DRAINS TO BE LOCATED WITHIN EXTERNAL WALLS AND TO BE CONNECTED DIRECTLY TO THE STREET BY AN UNDERGROUND NON-EROSIVE PIPE, PER SECTION 2905 (F).
18. MAINTAIN A MINIMUM OF 1% POSITIVE DRAIN AWAY FROM THE STRUCTURE.
19. THE LARGEST RISE OR RUN IN A FLIGHT OF STAIRS MAY NOT EXCEED THE SMALLEST BY MORE THAN 3/8".
20. PROJECT SHALL COMPLY WITH NPDES, SUSMP AND BMP REQUIREMENTS.

GENERAL NOTES

21. ANY OMISSIONS AND CONFLICTS BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND/OR SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER BEFORE PROCEEDING WITH ANY OF THE WORK SO INVOLVED. ALL WORK IS TO BE CO-ORDINATED SO THAT THE CO-OPERATION BETWEEN ALL TRADES, WHERE REQUIRED, IS ACCOMPLISHED.
22. CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS IN THE FIELD, REPORT ANY DISCREPANCIES TO DESIGNER PRIOR TO STARTING WORK AND CONTRACTOR SHALL MAKE AND ADD ALL CORRECTIONS NECESSARY DUE TO NEGLIGENT FIELD VERIFICATION AT HIS SOLE EXPENSE.
23. CONTRACTOR TO VERIFY SIZE OF ALL FRAMED OPENINGS UPON COMPLETION OF FRAMING AND PRIOR TO ORDERING.
24. THE CONTRACTOR SHALL AT ALL TIMES KEEP THE PREMISES CLEAR OF THE ACCUMULATION OF WASTE MATERIALS OR RUBBISH CAUSED BY HIS EMPLOYEES OR WORK AND AT THE COMPLETION OF THE WORK, SHALL REMOVE ALL RUBBISH, DEBRIS EQUIPMENT AND SURPLUS MATERIALS FROM IN AND AROUND THE BUILDING AND LEAVE THE WORK "BROOM CLEAN".
25. PROVIDE PEDESTRIAN PROTECTION
26. PATCH AND REPAIR ALL SURFACES DISRUPTED OR DAMAGED DURING CONSTRUCTION TO EXACTLY MATCH EXISTING ADJACENT SURFACES.
27. OWNERS OF ADJACENT PROPERTIES THAT MUST UNDERPIN THEIR BUILDINGS DUE TO THE PROPOSED EXCAVATION SHALL BE NOTIFIED IN WRITING TEN DAYS PRIOR TO BEGINNING THE EXCAVATION. COPIES OF THESE NOTIFICATION LETTERS SHALL BE PROVIDED TO THE CITY PRIOR TO BEGINNING THE EXCAVATION.
28. RESPONSIBLE CERTIFIED ENGINEERING GEOLOGIST WILL INSPECT AND APPROVE ALL GRADING AND EXCAVATIONS PRIOR TO PLACEMENT OF FORMS, REBAR OR CONCRETE
29. LICENSED ENGINEER THAT PREPARED THE DRAINAGE PLAN SHALL CERTIFY AT THE COMPLETION OF THE PROJECT THAT THE SITE DRAINAGE IS IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED DRAINAGE PLAN.
30. MCCLEAN DESIGN EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THE ATTACHED DRAWINGS LISTED. THESE DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN PERMISSION OF MCCLEAN DESIGN.

GENERAL NOTES CONTINUED

OWNER: PAUL + BAILEY WEINBERG 138 VIZ XANTHE NEWPORT BEACH, CA 92663	
DESIGNER: MCCLEAN DESIGN PAUL MCCLEAN 1278 GLENNEYRE ST #233 LAGUNA BEACH, CA 92651	
STRUCTURAL ENGINEER: STRUCTURES - A CONSULTING COMPANY NENO GRGURIC 2880 SOUTH COAST HIGHWAY LAGUNA BEACH, CA 92651 Tel: (949) 715-0775 Fax: (949) 715-0776	
CIVIL ENGINEER: TOAL ENGINEERING CALEB RIOS 139 AVENDIDA NAVARRO SAN CLEMENTE, CA 92672 TEL: (949) 492-8586 FAX: (949) 498-8625	
PROJECT TEAM	
11/22/11	VARIANCE SUBMITTAL
PROJECT SUBMITTALS	

PROJECT SUBMITTALS

PROJECT TEAM	
11/22/11	VARIANCE SUBMITTAL
PROJECT SUBMITTALS	

A vicinity map showing a street grid. The main horizontal street is VIA LIDO NORD. To its left are several vertical streets: STRADA LUDINE, VIA RENEA, VIA YVELIS, VIA XANTHE, and STRADA XANTHE. To the right of VIA LIDO NORD are VIA TELA, STRADA TELA, VIA ZURICH, and STRADA ZURICH. A diagonal street, VIA LIDO ROAD, runs from the bottom left towards the top right, intersecting VIA RENEA, VIA YVELIS, VIA XANTHE, and STRADA XANTHE. The property is located on STRADA XANTHE, between VIA YVELIS and VIA XANTHE. A small grey rectangle indicates the property's location. The map is titled VICINITY MAP in large, bold, black letters at the bottom right.

VICINITY MAP

ZONING STANDARDS				
DESCRIPTION	REQUIRED / ALLOWED	EXISTING	PROPOSED	CONFORMS (YES/NO)
USE	SFR	SFR	SFR	YES
ZONE	R - 1	R - 1	R - 1	YES
LOT AREA	44' x 74' (WITH SETBACKS)	4,400 SF	-	-
LOT WIDTH	88'	-	-	-
LOT DEPTH	50'	-	-	-
LOT SLOPE				-
MAX. BUILDING HEIGHT	24' FLAT - 29' SLOPED	24' FLAT - 29' SLOPED	24' FLAT - 29' SLOPED	YES
MAX. HEIGHT - THROUGH LOT	24' FLAT - 29' SLOPED	24' FLAT - 29' SLOPED	24' FLAT - 29' SLOPED	YES
SETBACKS:				
FRONT YARD (THD)	4'	4'	4'	YES
REAR YARD	10'	10'	10'	YES
SIDE YARD	4'	3'	3'	NO
LOT COVERAGE	USE	USE	USE	YES
LANDSCAPE OPEN SPACE	-	-	-	YES

PROJECT DATA			
DESCRIPTION	EXISTING	PROPOSED	TOTAL
LIVING AREA:			
GARAGE FLOOR	-	-	
FIRST FLOOR (LOWER LEVEL)	2,094 SF	2,094 SF	2,094 SF
SECOND FLOOR (UPPER LEVEL)	-	810 SF	810 SF
TOTAL	2,094 SF	2,904 SF	2,904 SF
GARAGE	395 SF	395 SF	395 SF
COURTYARD OPEN TO ABOVE	480 SF	480 SF	480 SF
MECHANICAL	-	-	
STORAGE	-	-	

SITE WORK			
GRADING	OUTSIDE OF STRUCTURAL FOOTPRINT	INSIDE OF STRUCTURAL FOOTPRINT	TOTAL
CUT	-	-	-
FILL	-	-	-
NET EXPORT	-	-	-
IMPERVIOUS SURFACES	SQUARE FOOTAGE	% OF LOT AREA	

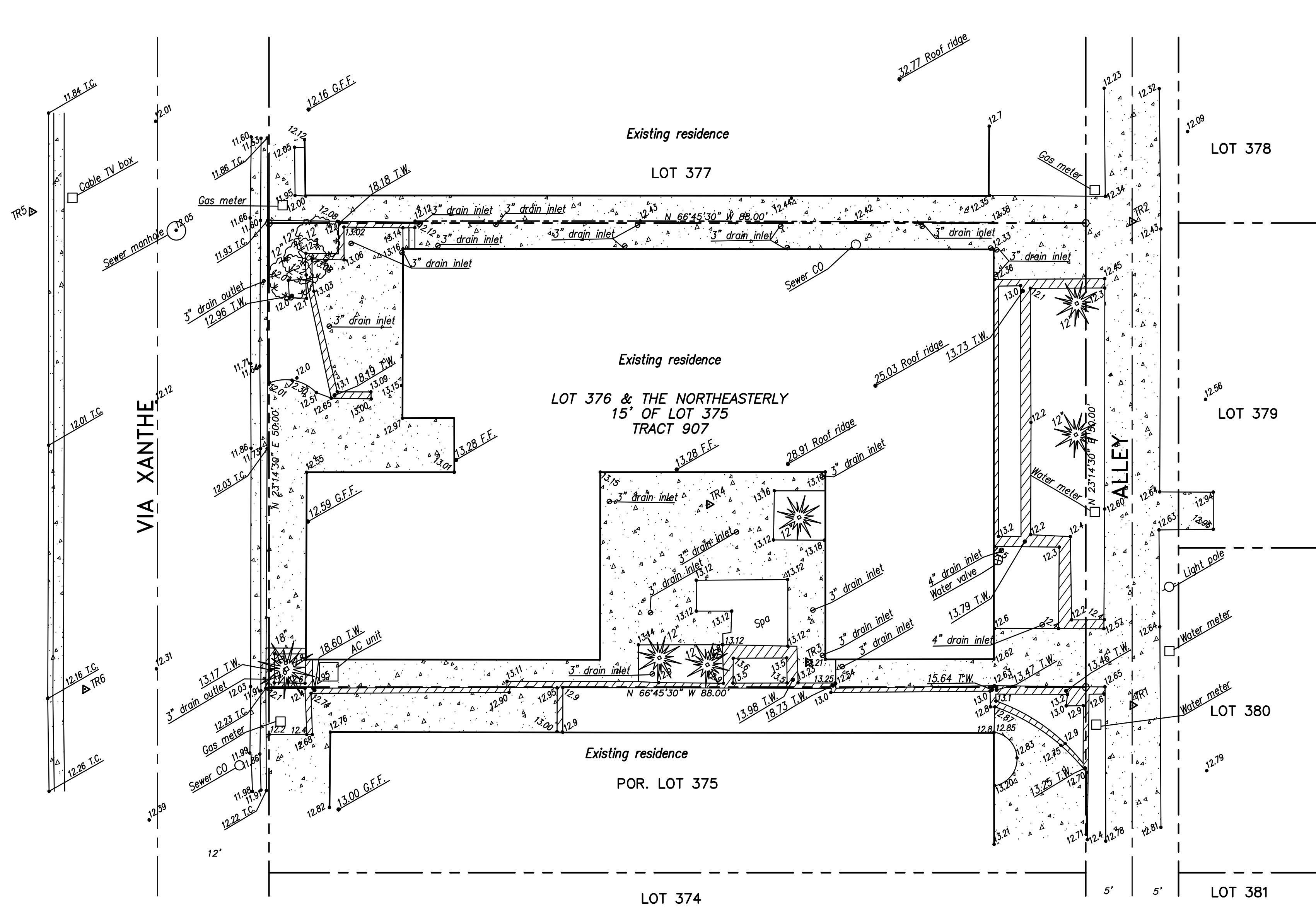
PROJECT SUMMARY TABLE

SHEET LIST

SYMBOLS

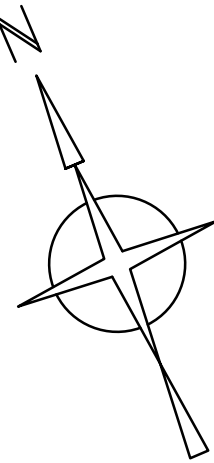
BENCHMARK NOTE:
OCSBM NB3-12-70
ELEV=11.784
NAVD88 DATUM, 1992 ADJ.

BOUNDARY NOTE:
THIS IS NOT A BOUNDARY SURVEY. THE TOPOGRAPHIC FEATURES AS SHOWN
ON THIS MAP MAY BE ADJUSTED RELATIVE TO THE PLAT UPON COMPLETION
OF A BOUNDARY SURVEY



LEGEND

- | | |
|--|------------------|
| | FENCE |
| | CONCRETE SURFACE |
| | MASONRY WALL |
| | WOOD WALL |
| | ROCK WALL |
| | FF |
| | FS |
| | TG |
| | INV |
| | TC |
| | EP |
| | TW |
| | FOUND MONUMENT |



SCALE: 1/8"=1'

TOPOGRAPHIC SURVEY
LOT 376 & A POR. OF LOT 375, TRACT 907
138 VIA XANTHE, NEWPORT BEACH, CALIFORNIA

PREPARED FOR: PAUL J. WEINBERG

H. SCALE: 1/8"=1'	DATE: 11-10-10
V. SCALE: N/A	DRN: M. FLUSS
DATE OF SURVEY: 11-8-10	CHD: -
DR. FILE: -	APPD: -

REVISIONS	BY	DATE	APVD.	DATE

TOAL ENGINEERING, INC.
Civil Engineers, Land Planners, Land Surveyors
139 Avenida Navarro, San Clemente, Calif. 92672
Ph: 949-492-8586 Fax: 949-498-8625

MCCLEAN
DESIGN

1278 GLENNEYRE, #233
LAGUNA BEACH, CA 92651

714-505-0556 (T)
714-505-0557 (F)

PROJECT	
DRAWN BY	PM / MC
DATE	11/02/2011

WEINBERG RESIDENCE
138 VIA XANTHE, NEWPORT BEACH, CA 92663

SITE PLAN

A 1

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VIA XANTHE

STRADA XANTHE

EXISTING RESIDENCE LOT 377

42' - 4 5/8"

25' - 3 7/8"

EXISTING FIRST FLOOR

NEW CONSTRUCTION AT SECOND FLOOR

13' - 8 3/8"

40' - 4 3/8"

23' - 11 1/4"

10' - 0"

GAS METER

N 66°45' 36" W
88.00'

BUILT - UP

BUILT - UP

REMODEL TO EXISTING
SINGLE FAMILY RESIDENCE
FIRST FLOOR: 13.28' F.S.
SECOND FLOOR: 22.38' F.S.
GARAGE FLOOR: 12.59' F.S.

EXISTING RIDGE

FLAT ROOF

OPEN

OPEN

BUILT - UP

WATER METER

NEW CONSTRUCTION AT SECOND FLOOR

EXISTING RESIDENCE LOT 375

NOTES

1. TRASH TO BE STORED IN GARAGE
2. EXISTING TWO CAR GARAGE TO REMAIN

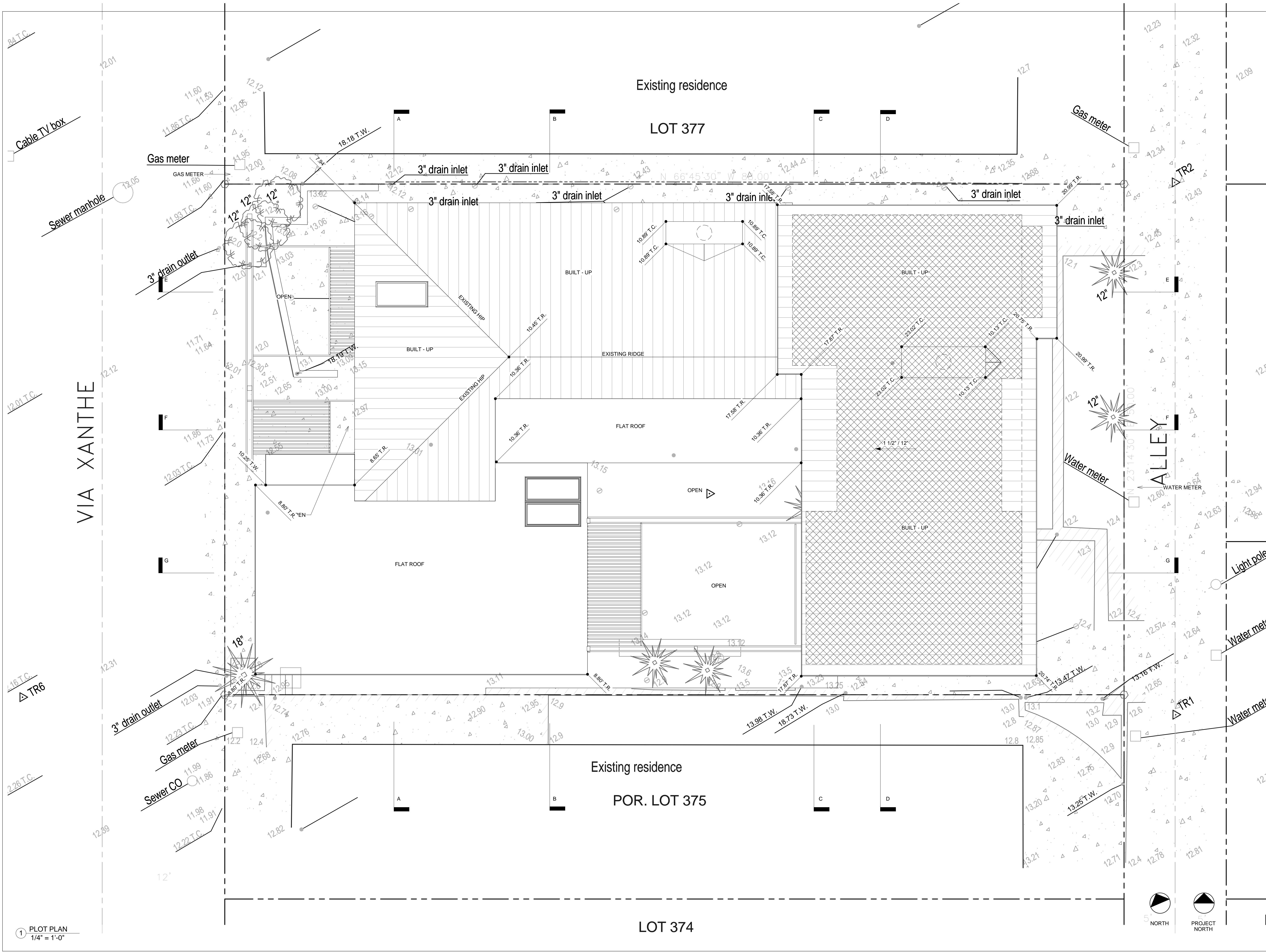
1 SITE PLAN
1/4" = 1'-0"

- SECOND FLOOR ADDITION
- EXISTING WALLS
- DEMO WALLS
- NEW WALLS

VICINITY MAP - NOT TO SCALE

SEE SHEETS A2 & A3 FOR ADDITIONAL
INFORMATION SHOWING THE EXTENT
OF PROPOSED ADDITIONS.
SEE SECTIONS ON SHEETS A8, A9, & A10





1 PLOT PLAN
1/4" = 1'-0"

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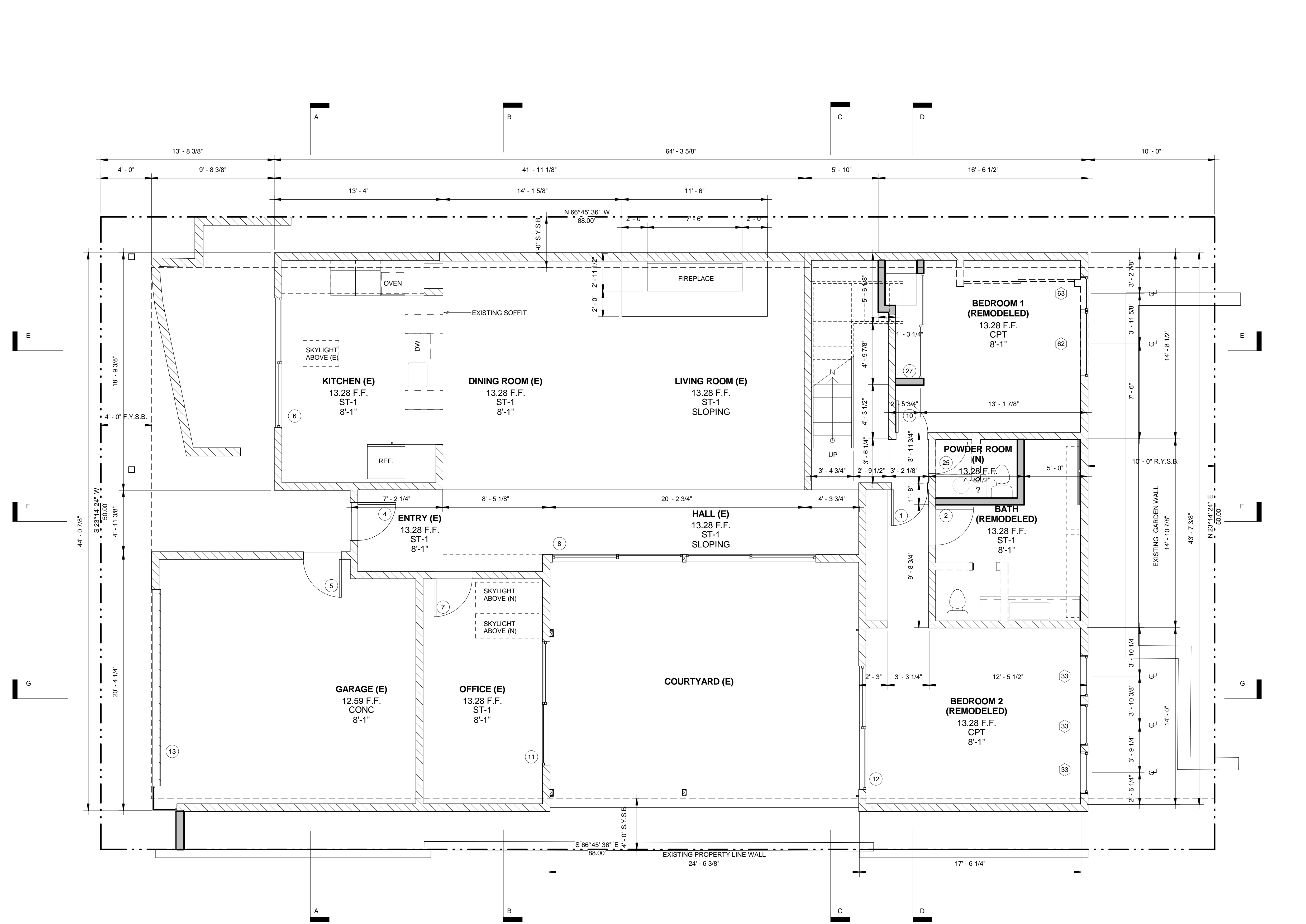
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WEINBERG RESIDENCE
138 VIA XANTHE, NEWPORT BEACH, CA 92663

PLOT PLAN

A 1a

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1 FIRST FLOOR PLAN
1/4" = 1'-0"

"DSGN" - ADDITIONAL INFORMATION TO BE PROVIDED BY DESIGNER.
"OWNER" - ADDITIONAL INFORMATION TO BE PROVIDED BY OWNER.
"STRUCTURAL" - SEE STRUCTURAL ENGINEER'S DRAWINGS AND DETAILS FOR ADDITIONAL INFORMATION.
"CIVIL" - SEE CIVIL ENGINEER'S DRAWINGS AND DETAILS FOR ADDITIONAL INFORMATION.
"SCHEDULE" - SEE SCHEDULE FOR SPECIFICATIONS AND ADDITIONAL INFORMATION.
"SHOP" - PROVIDE SHOP DRAWINGS TO DESIGNER FOR APPROVAL PRIOR TO FABRICATION.

- PROPERTY LINE
- REQUIRED FRONT YARD SETBACK
- REQUIRED SIDE YARD SETBACK
- REQUIRED REAR YARD SETBACK
- EXISTING RESIDENCE (ABOVE, AS OCCURS) - PROTECT IN PLACE
- EXISTING RESIDENCE / SITE WALLS - DEMO
- EXISTING RETAINING WALL - PROTECT IN PLACE
- PROPOSED ADDITION TO EXISTING RESIDENCE
- EDGE OF EAVES / PROJECTIONS ABOVE / BELOW AS OCCURS. ALL EAVES / PROJECTIONS TO BE 1-HOUR FIRE RATED. NO OPENING AREA ALLOWED IN EAVES.
- PROPOSED RETAINING WALL CONSTRUCTION (PER STRUCTURAL), SUPPLY PROTECTION FROM HYDROSTATIC PRESSURE & CONTINUOUS FRENCH DRAIN TILE WITH GRAVEL (PER GEOLOGIST)
- EXTERIOR STAIR 1, 5 RISERS AT 6.69", 4 TREADS AT 12"
- EXTERIOR STAIR 2, 6 RISERS AT 5.7", 5 TREADS AT 12"
- EXTERIOR STAIR 3, 10 RISERS AT 7.2", 9 TREADS AT 12"
- EXTERIOR STAIR 4, 15 RISERS AT 7.5", 14 TREADS AT 12"
- EXTERIOR STAIR 5, 6 RISERS AT 6.5", 5 TREADS AT 12"
- EXTERIOR STAIR 6, 16 RISERS AT 7.35", 15 TREADS AT 12"
- EXTERIOR STAIR 7, 30 RISERS AT 7.75", 29 TREADS AT 11", 1 LANDING AT 38"
- HANDRAIL AT 34"-38" ABOVE NOSE OF TREAD
- GUARDRAIL AT 42" ABOVE ADJACENT FINISH SURFACE
- AUTOMATIC DRIVEWAY GATE PER DESIGNER
- PLANTER WALL
- LOCATION OF POOL EQUIPMENT BELOW PATIO SLAB
- SKYLIGHT ABOVE / AS OCCURS
- CHIMNEY TERMINATION WITH APPROVED SPARK ARRESTOR PER UBC 3102.8 - "SHOP"
- FRONT OPENING FIREPLACE - ISOKERN HYBRID GAS APPLIANCE, FIXED TEMPERED GLASS FRONT- ICBO# 2578, MUST BE DIRECT VENT AND SEALED COMBUSTION
- CEILING TRANSITIONS
- AREA DRAIN
- INTERIOR STAIR 1, 4 RISERS AT 7.5", 3 THREADS AT 12"
- DECK / PATIO ABOVE, AS OCCURS
- 36" TALL ISLAND - PER DESIGNER
- SHOWER WITH TEMPERED GLASS ENCLOSURE PER DETAIL
- "DSGN"/"SCHEDULE", PROVIDE 70" HIGH NON-ABSORBANT WALL ADJACENT TO SHOWER AND APPROVED SHATTER RESISTANT MATERIALS FOR SHOWER ENCLOSURE
- CLOSET / CABINETS / SHELVING PER DESIGNER
- FLOOR MATERIAL TRANSITION PER DETAIL
- ROOF GUTTER DOWNSPOUT FROM ROOF TO UNDERGROUND DRAINAGE. SEE GRADING PLAN FOR LOCATION AND CONNECTION TO SITE DRAINS
- 3" DIA. PVC ROOF / DECK DRAIN WITH 2" HIGH OVERFLOW SCUPPER CONNECTED THROUGH WALL BELOW TO INDEPENDENT UNDERGROUND DRAINAGE SYSTEM - PROVIDE POSITIVE DRAINAGE ALONG GUTTER TO LOCATION - SEE DETAIL - "DSGN".
- STRUCTURAL CONCRETE PILE - "STRUCTURAL
- COLUMNS PER STRUCTURAL ENGINEER, FINISH PER DESIGNER
- RETAINING WALL BELOW
- OUTLINE OF BUILDING ABOVE OR BELOW
- TRACK EXTENSION FOR SLIDING DOORS
- AUTOMATIC IRRIGATION SYSTEM CONTROLLERS ARE WEATHER OR SOILS BASED CONTROLLERS.
- TRASH STORAGE

SECOND FLOOR ADDITION

EXISTING WALLS

DEMO WALLS

NEW WALLS

NORTH

PROJECT NORTH

MCCLEAN
DESIGN

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FIRST FLOOR PLAN

A 2

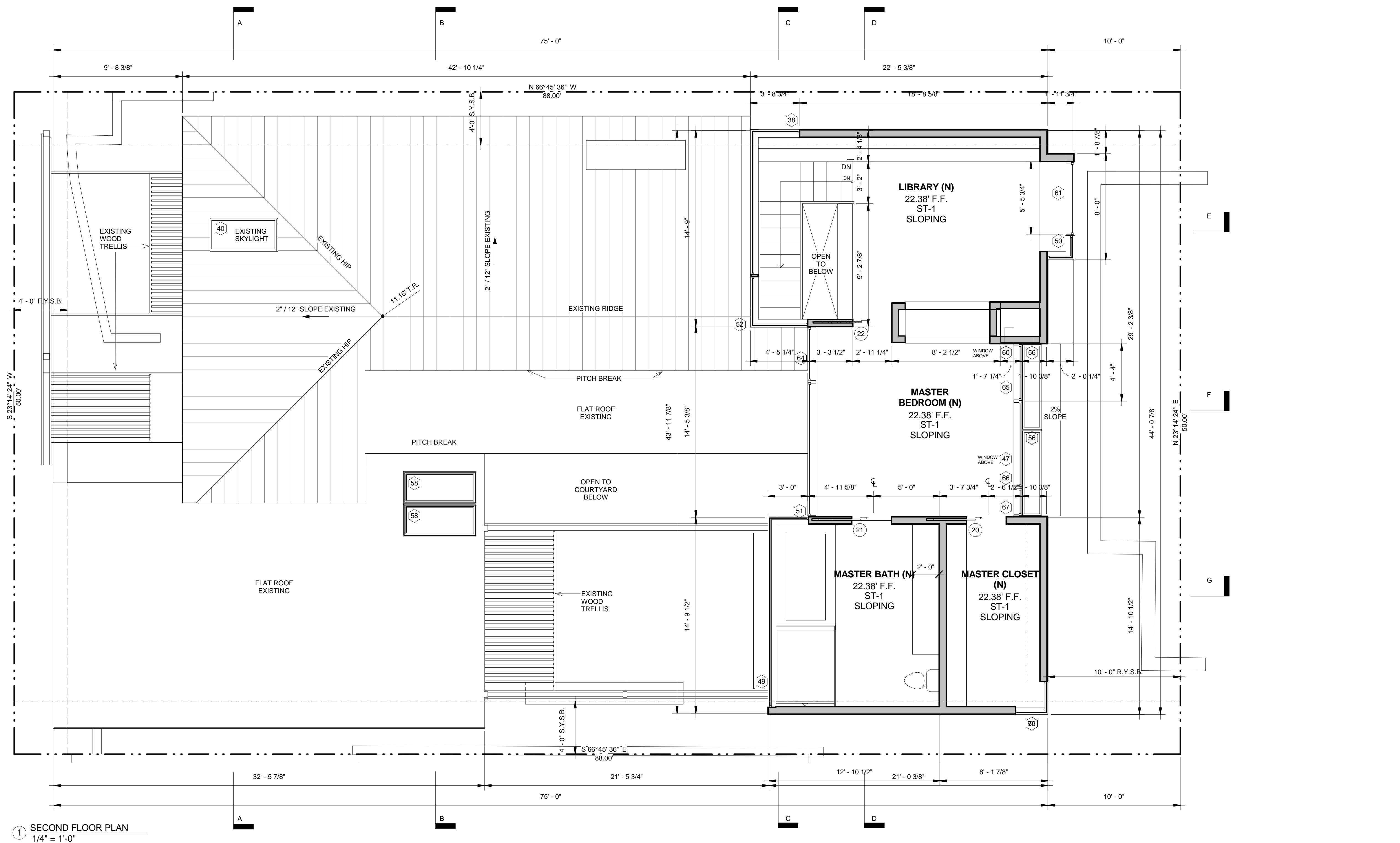
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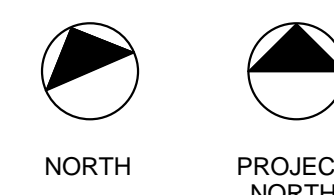
SECOND FLOOR PLAN

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A 3



-
- SECOND FLOOR ADDITION
- EXISTING WALLS
- DEMO WALLS
- NEW WALLS



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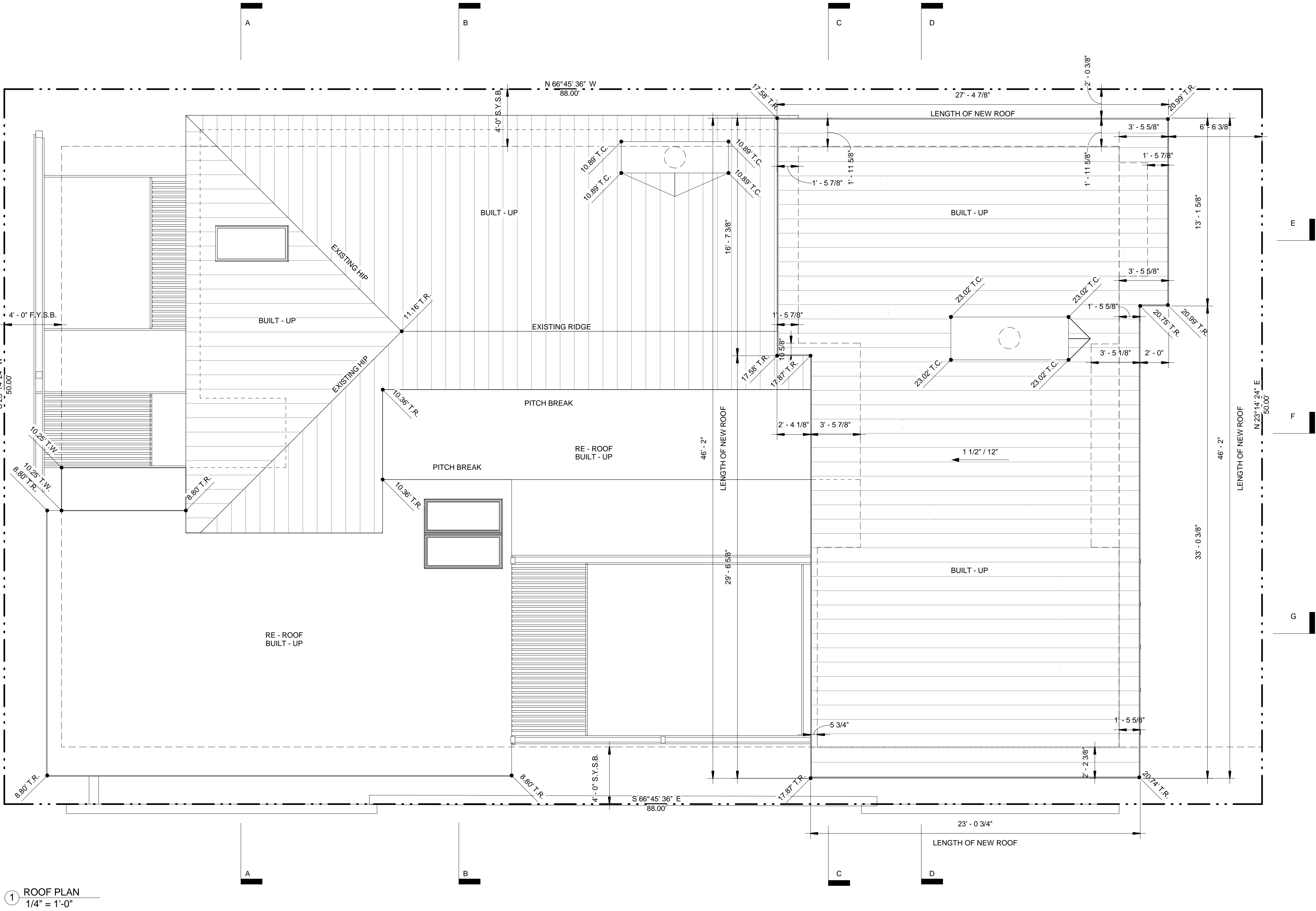
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ROOF PLAN

A 4

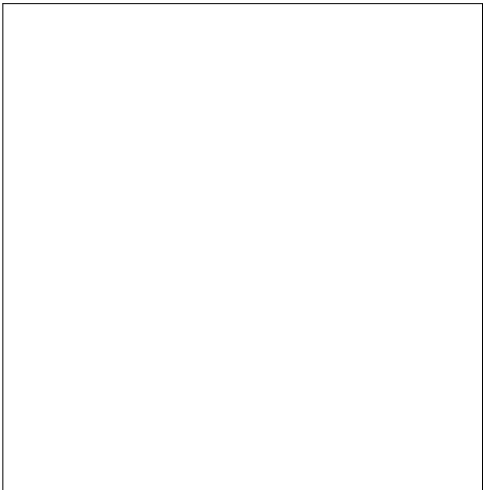


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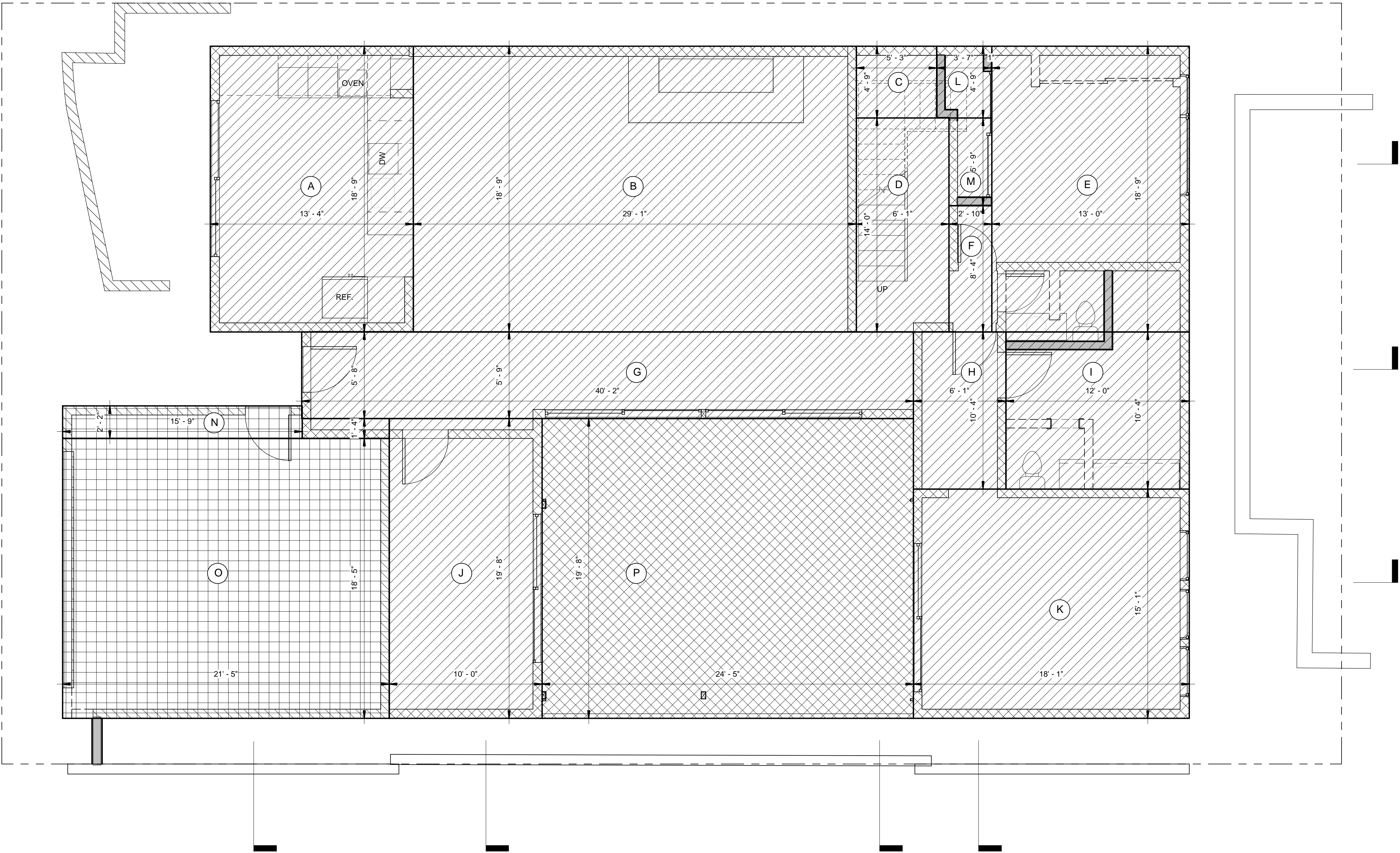
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FIRST FLOOR AREA CALCS

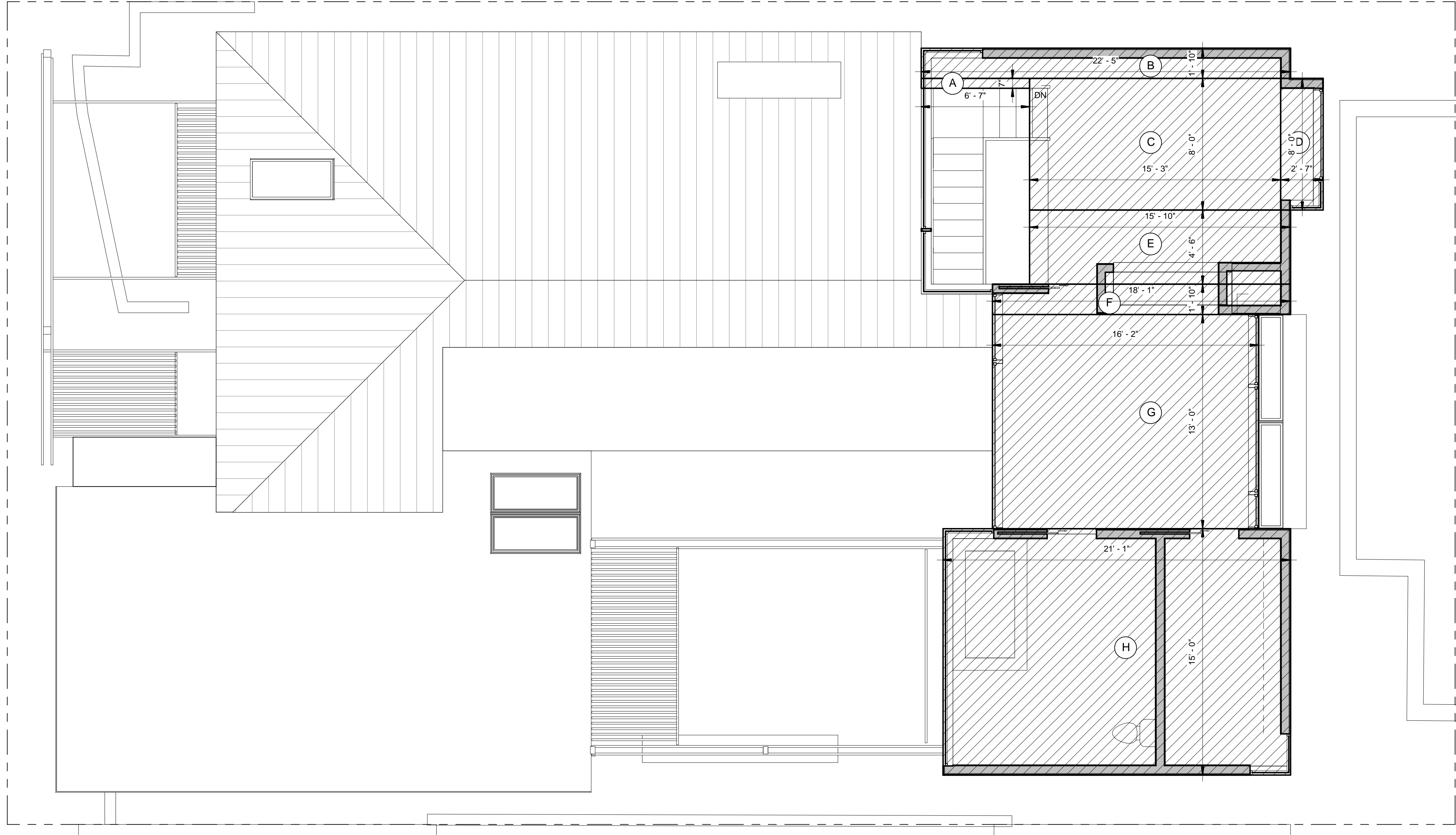


1 FIRST FLOOR PLAN AREA CALCS
1/4" = 1'-0"



FIRST FLOOR MATRIX		
HABITABLE		
NUMBER	DIMENSION	AREA
A	18.75' x 13.33'	250 SF
B	18.75' x 29.08'	545 SF
C	4.75' x 5.25'	25 SF
D	14.00' x 6.08'	85 SF
E	13.00' x 18.75'	244 SF
F	2.92' x 8.33'	24 SF
G	5.75' x 40.17'	231 SF
H	6.08' x 10.33'	63 SF
I	12.00' x 10.33'	124 SF
J	10.00' x 19.67'	197 SF
K	15.08' x 18.08'	273 SF
L	3.58' x 4.75'	17 SF
M	5.75' x 2.83'	16 SF
TOTAL		2094 SF
GARAGE		
NUMBER	DIMENSION	AREA
N	2.17' x 15.75'	34 SF
O	18.42' x 21.42'	395 SF
TOTAL		429 SF
COURTYARD (OPEN TO ABOVE)		
NUMBER	DIMENSION	AREA
P	19.67' x 24.42'	480 SF
TOTAL		480 SF

- HABITABLE AREA
- STORAGE AREA
- OUTDOOR AREA
- GARAGE AREA



① SECOND FLOOR PLAN AREA CALC
1/4" = 1'-0"

SECOND FLOOR MATRIX		
HABITABLE		
NUMBER	DIMENSION	AREA
A	0.58' x 6.58'	4 SF
B	1.83' x 22.42'	41 SF
C	8.00' x 15.25'	122 SF
D	2.58' x 8.00'	21 SF
E	15.83' x 4.50'	71 SF
F	1.83' x 18.08'	33 SF
G	13.00' x 16.17'	210 SF
H	15.00' x 21.08'	316 SF
TOTAL		818 SF

- HABITABLE AREA
- STORAGE AREA
- OUTDOOR AREA
- GARAGE AREA

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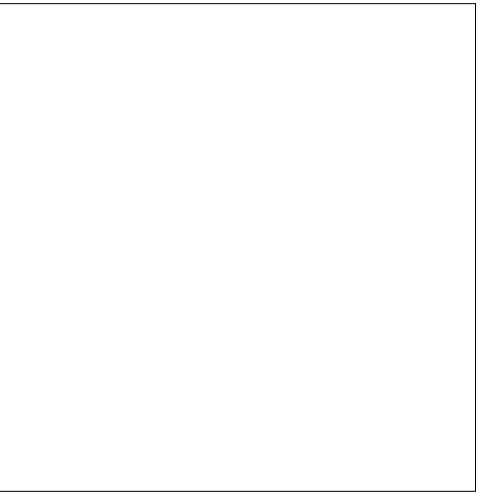
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SECOND FLOOR AREA CALCS



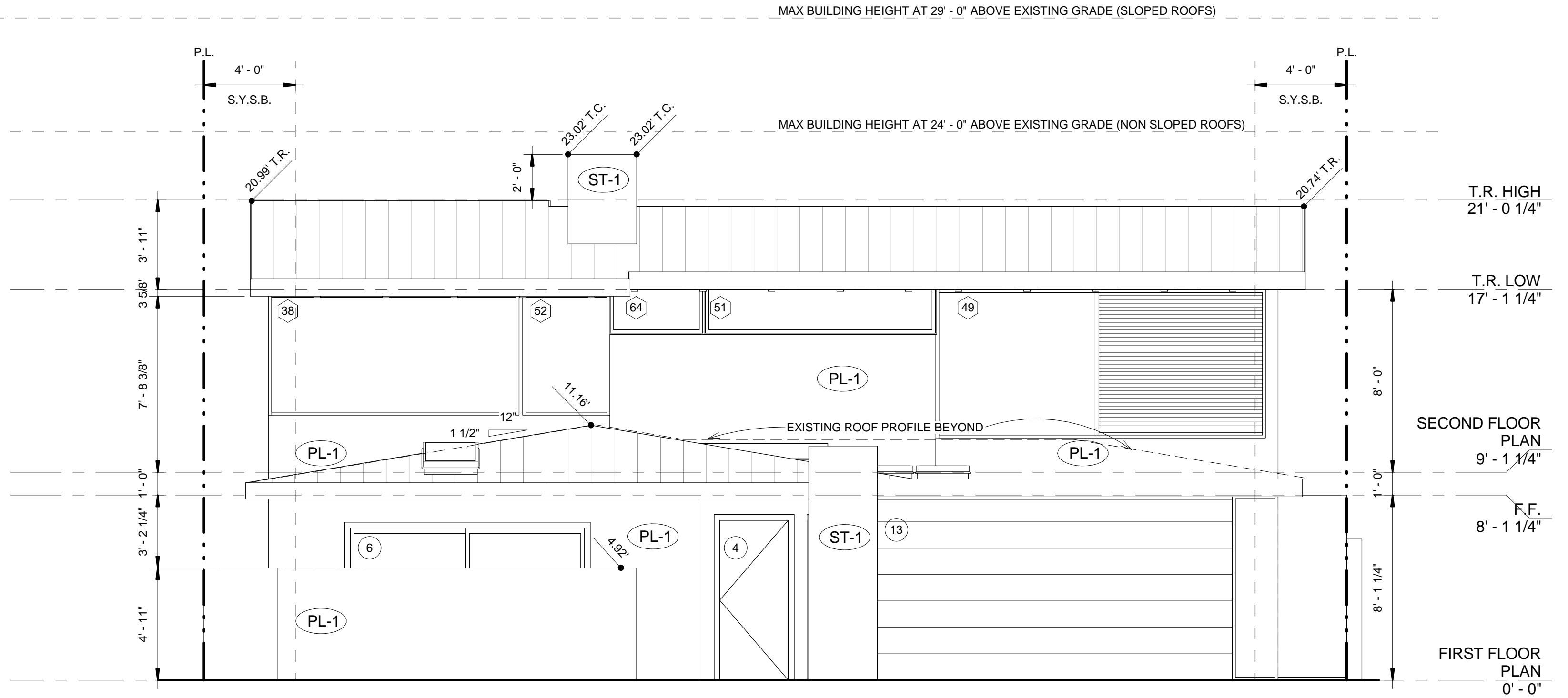
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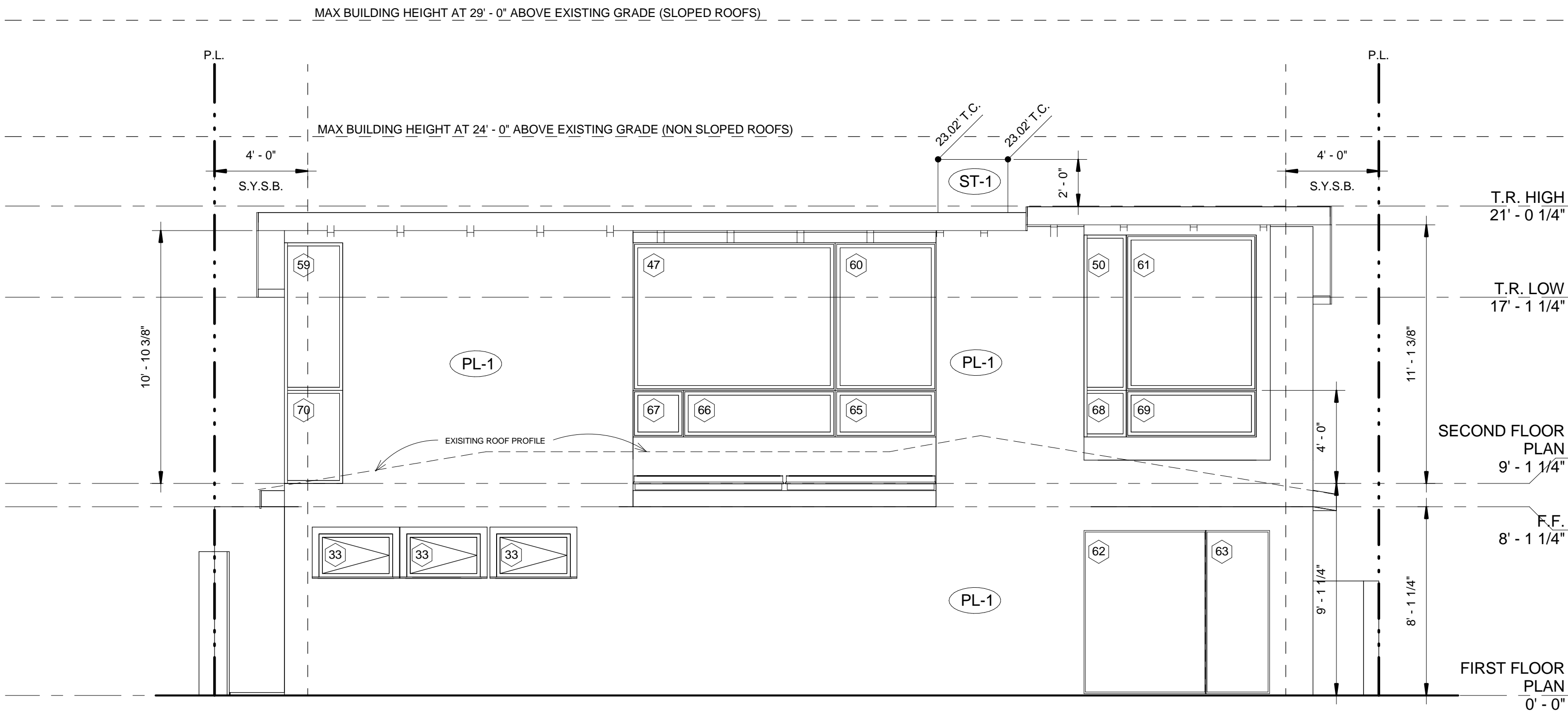
WEINBERG RESIDENCE

138 VIA XANTHE, NEWPORT BEACH, CA 92663

ELEVATIONS



1 WEST ELEVATION
1/4" = 1'-0"



2 EAST ELEVATION
1/4" = 1'-0"

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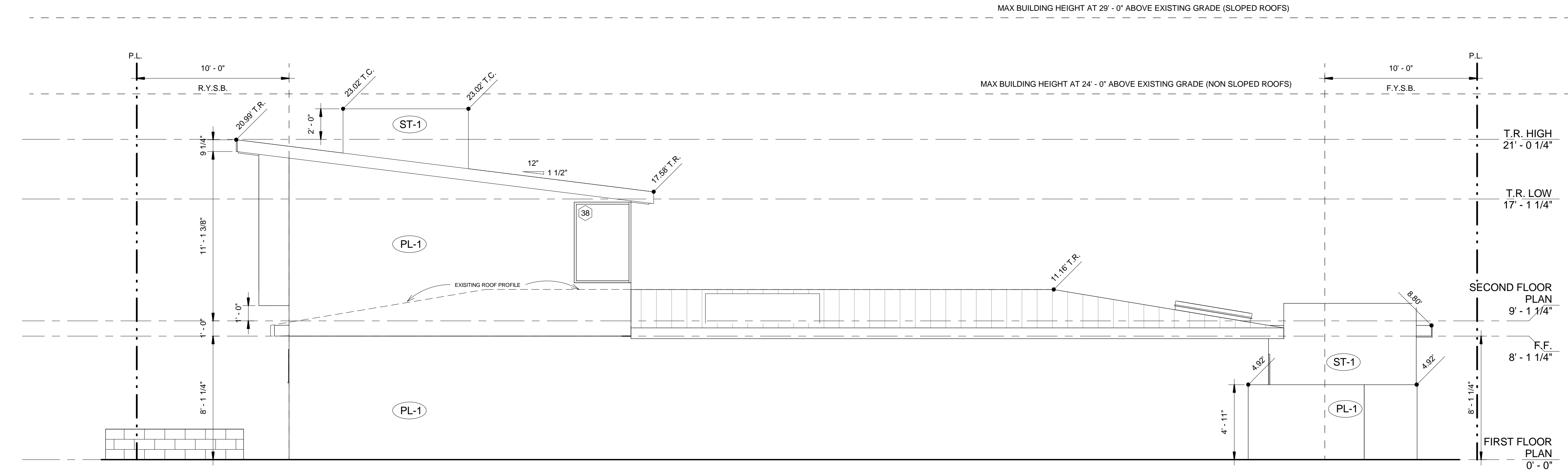
TUESDAY, NOVEMBER 22TH, 2011 - CONSTRUCTION DOCUMENTS

WEINBERG RESIDENCE
138 VIA XANTHE, NEWPORT BEACH, CA 92663

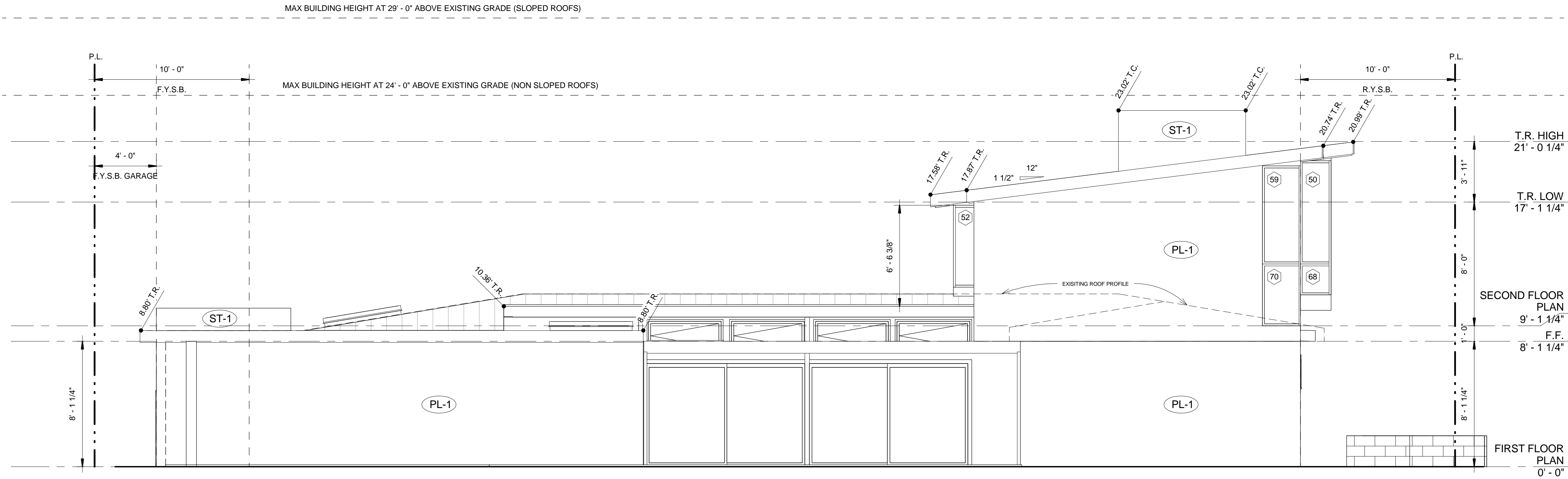
ELEVATIONS

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A 8



1 NORTH ELEVATION
1/4" = 1'-0"



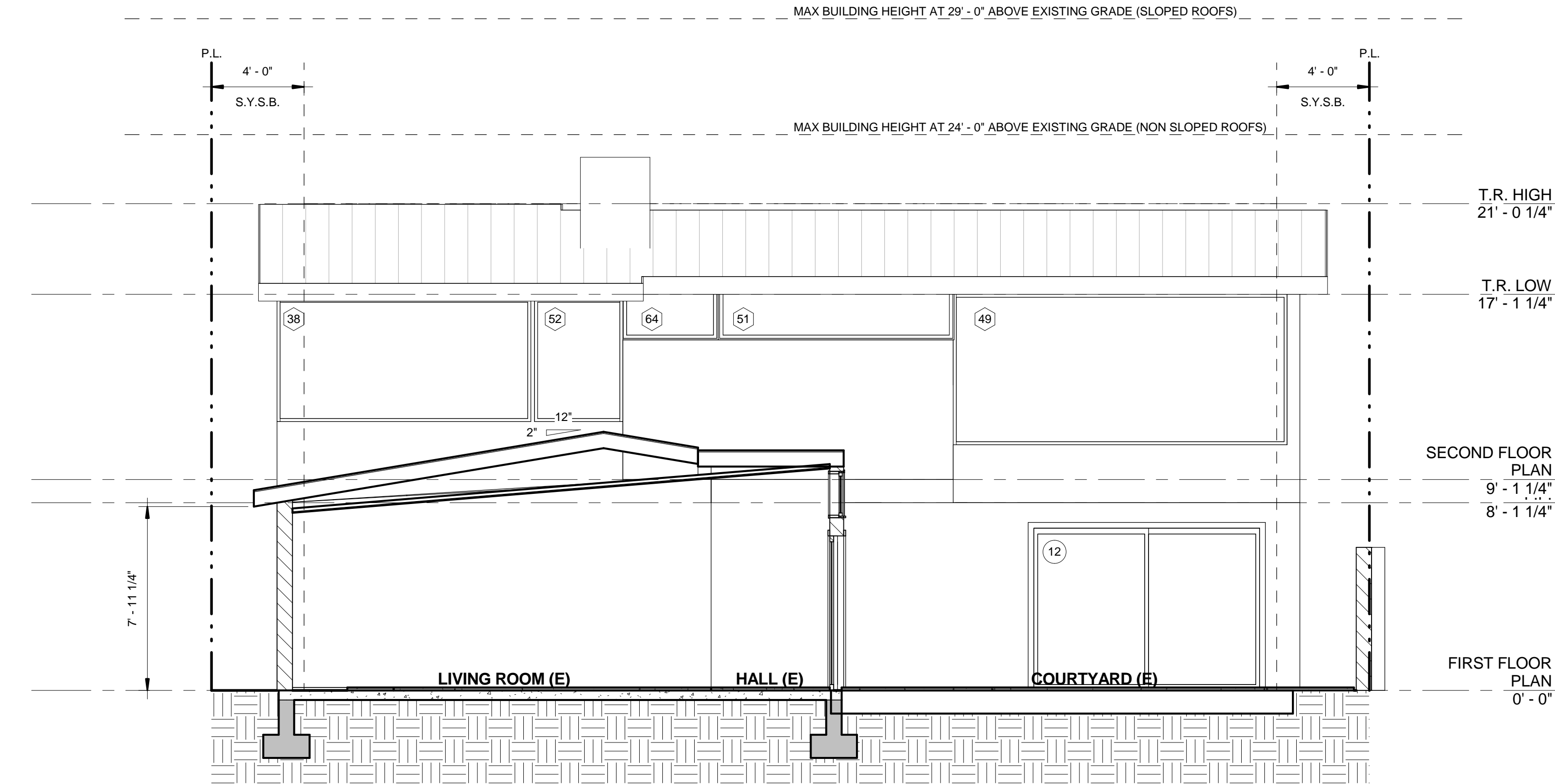
2 SOUTH ELEVATION
1/4" = 1'-0"

PROJECT	
DRAWN BY	PM / MC
DATE	11/02/2011

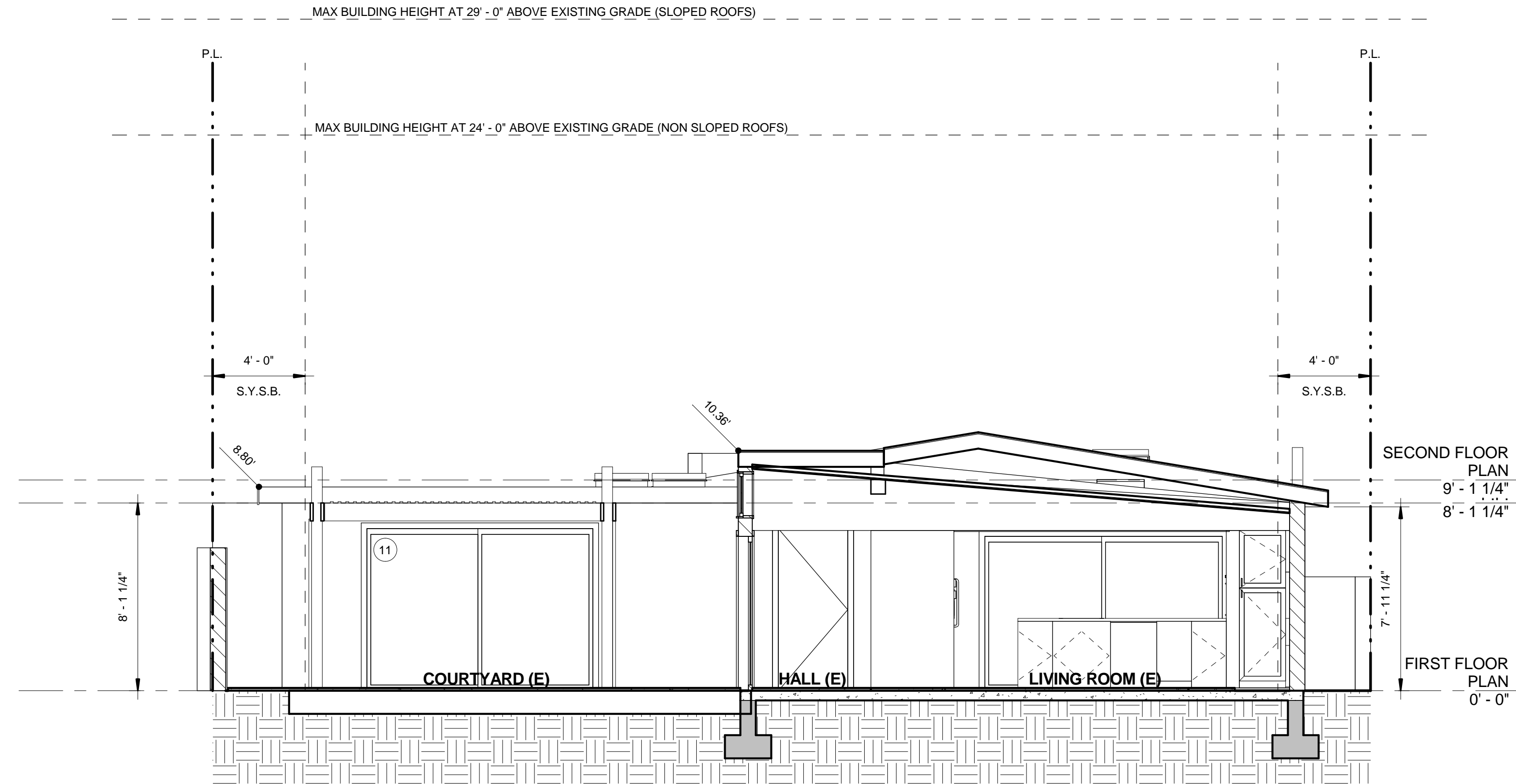
TUESDAY, NOVEMBER 22TH, 2011 - CONSTRUCTION DOCUMENTS	WEINBERG RESIDENCE	
	138 VIA XANTHE, NEWPORT BEACH, CA 92663	
	ELEVATIONS - COURTYARD	

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A 9



① WEST COURTYARD ELEVATION
1/4" = 1'-0"



② EAST COURTYARD ELEVATION
1/4" = 1'-0"

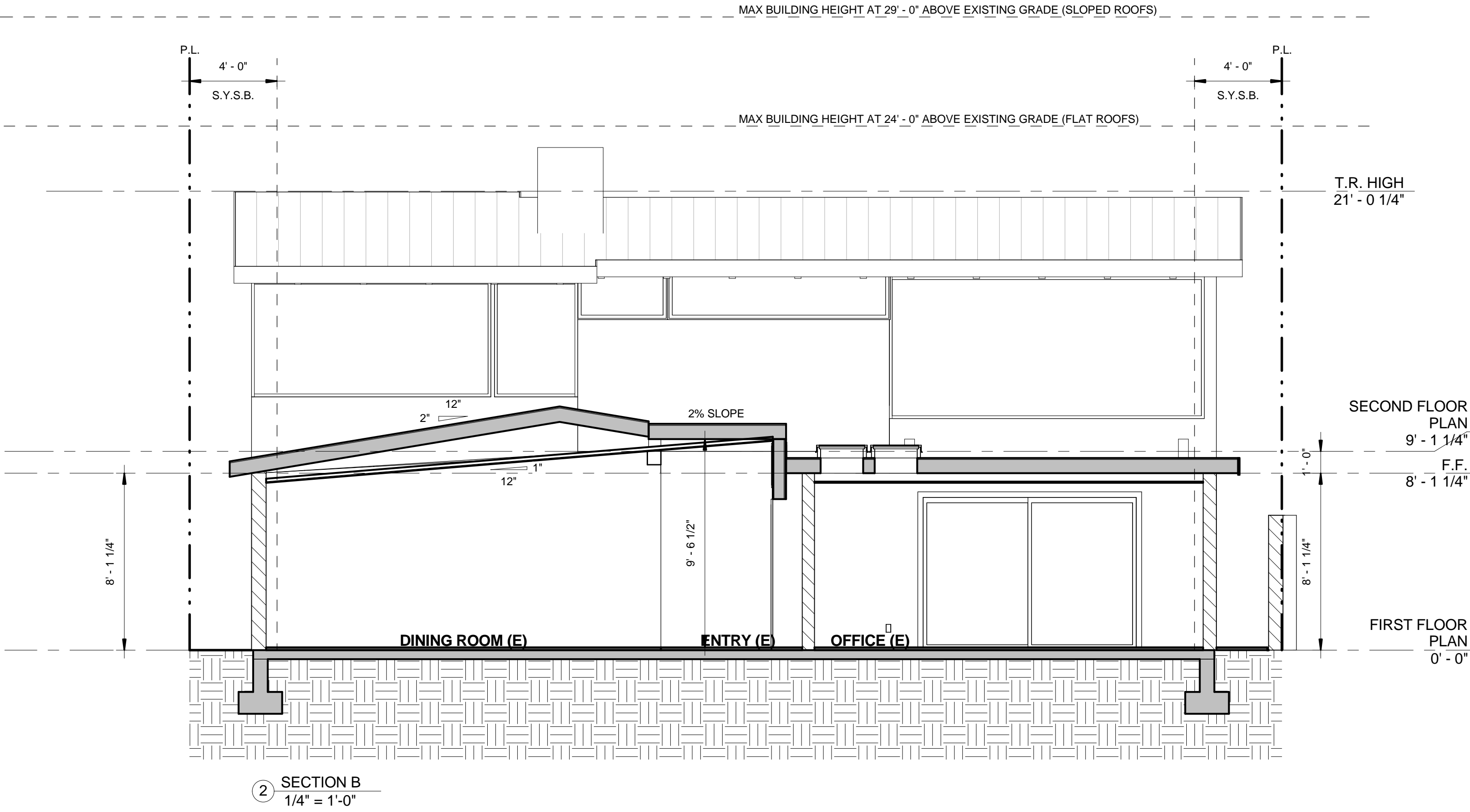
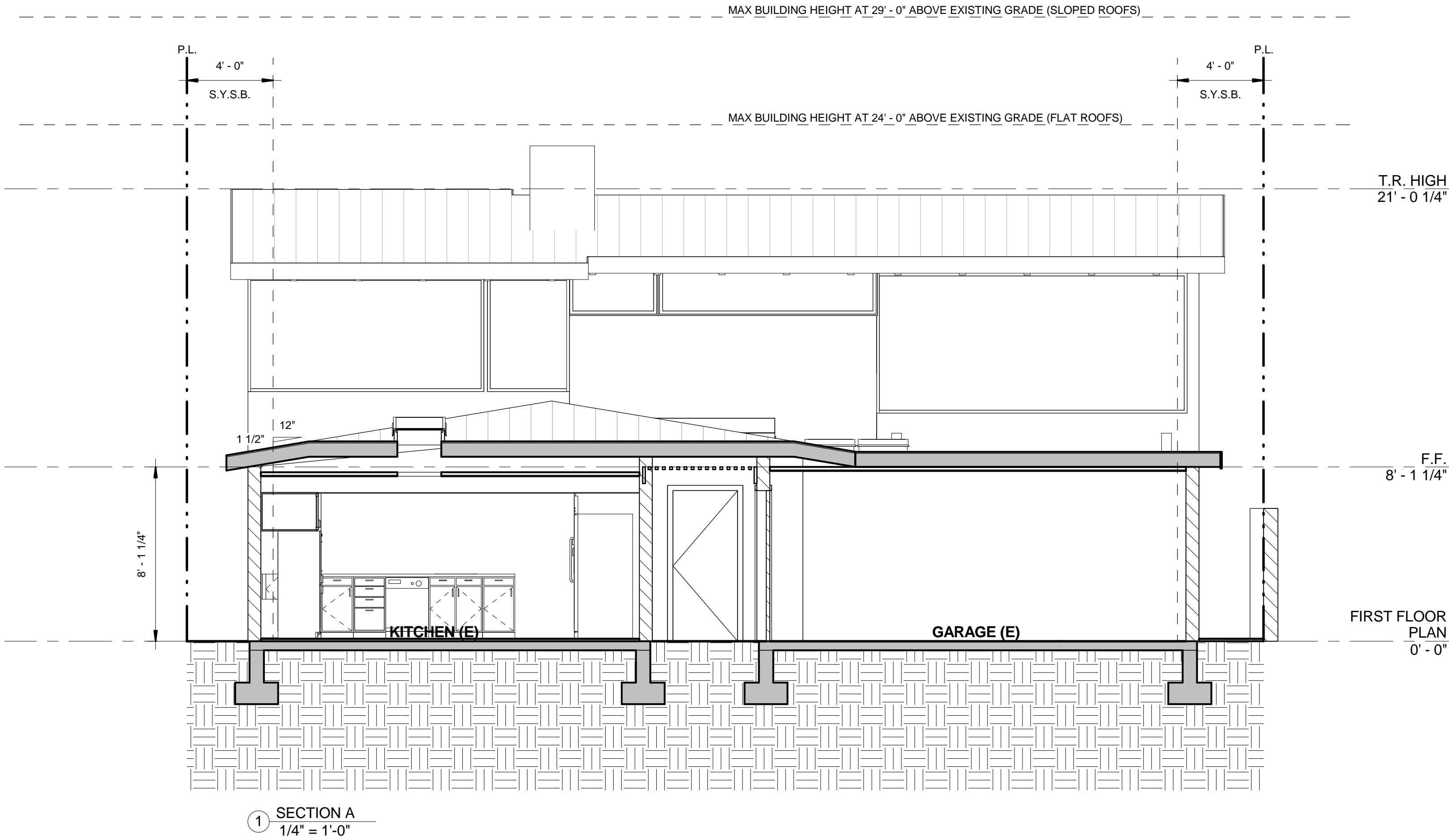
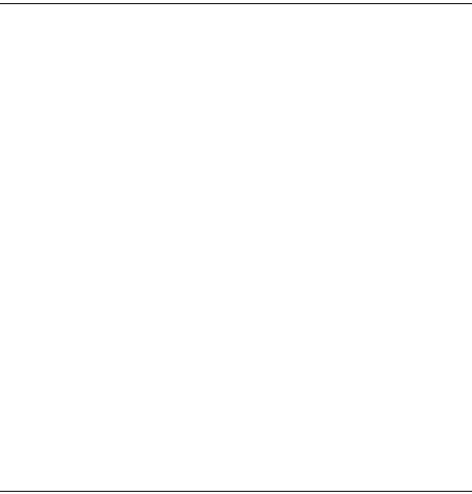
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DRAWN BY	PM / MC
DATE	11/02/2011

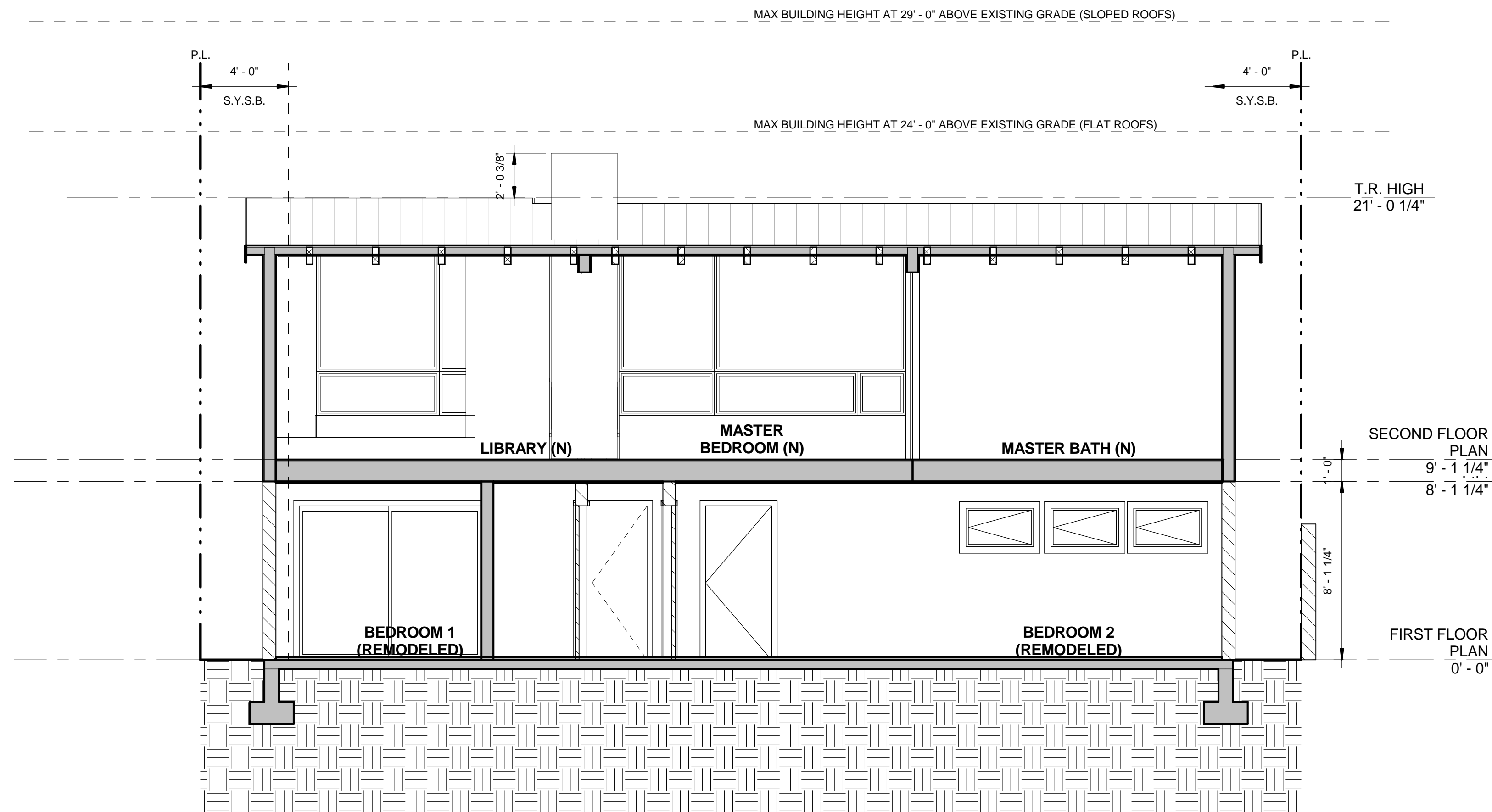
TUESDAY, NOVEMBER 22TH, 2011 - CONSTRUCTION DOCUMENTS

WEINBERG RESIDENCE

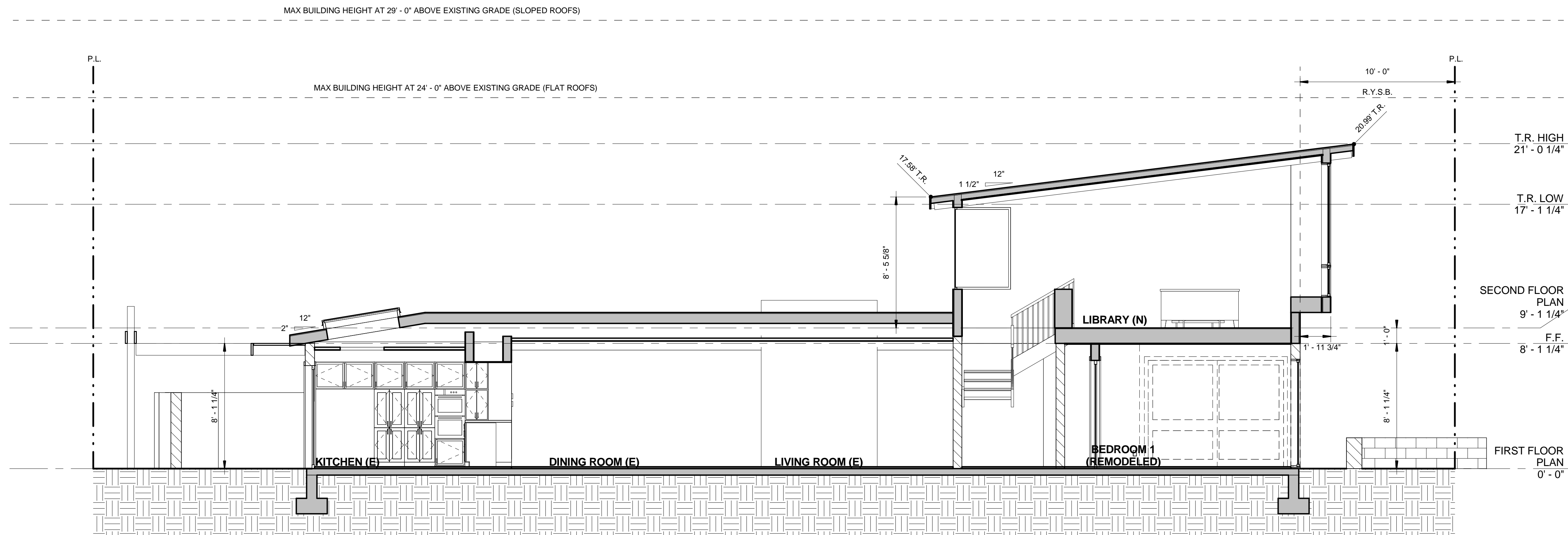
138 VIA XANTHE, NEWPORT BEACH, CA 92663

SECTIONS





1 SECTION C
1/4" = 1'-0"



2 SECTION E
1/4" = 1'-0"

MCCLEAN DESIGN

1278 GLENNEYRE, #233
LAGUNA BEACH, CA 92651

714-505-0556 (T)
714-505-0557 (F)

PROJECT	
DRAWN BY	PM / MC
DATE	11/02/2011

TUESDAY, NOVEMBER 22TH, 2011 - CONSTRUCTION DOCUMENTS

WEINBERG RESIDENCE
138 VIA XANTHE, NEWPORT BEACH, CA 92663

SECTIONS

A 11

MCCLEAN
DESIGN

1278 GLENNEYRE, #233
LAGUNA BEACH, CA 92651

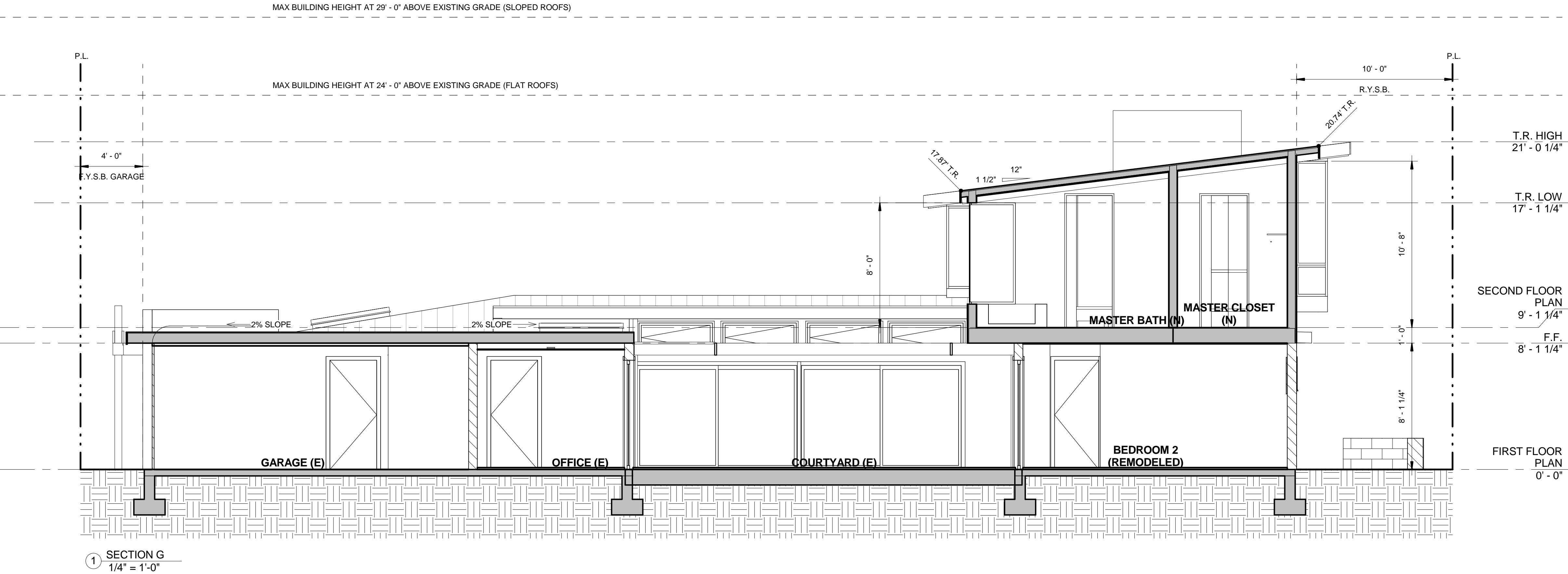
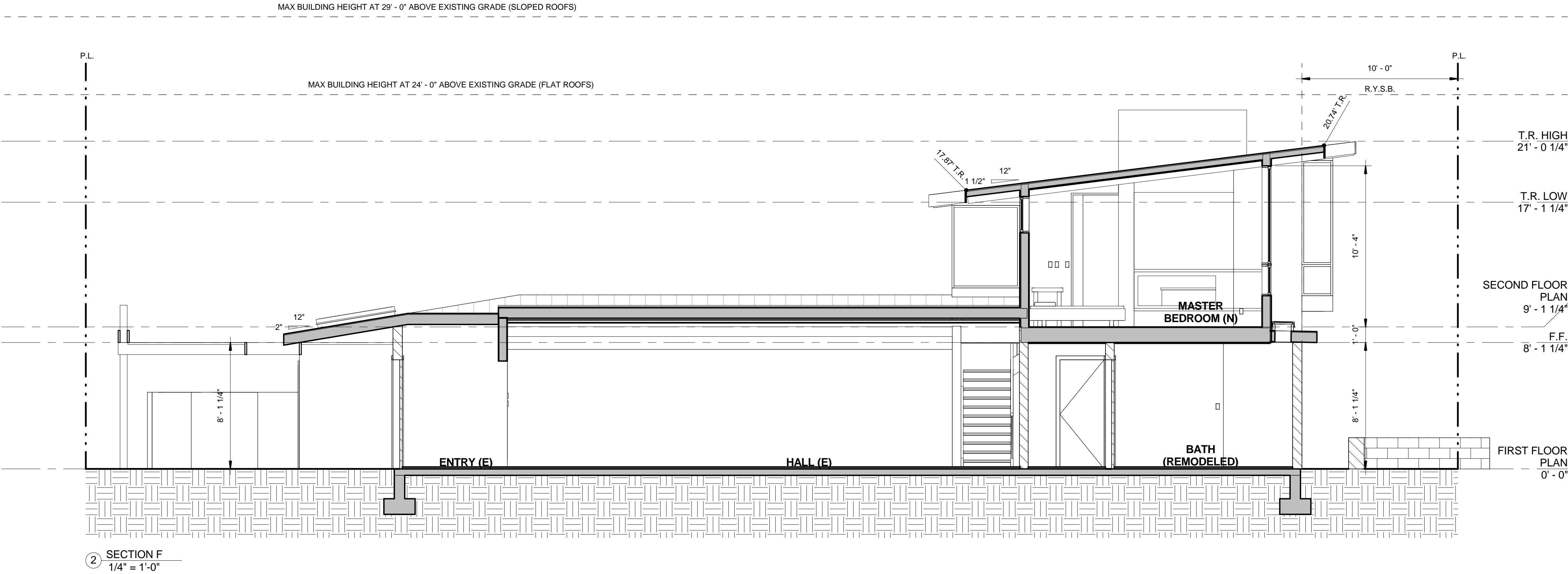
714-505-0556 (T)
714-505-0557 (F)

PROJECT	
DRAWN BY	PM / MC
DATE	11/02/2011

WEINBERG RESIDENCE
138 VIA XANTHE, NEWPORT BEACH, CA 92663

SECTIONS

TUESDAY, NOVEMBER 22TH, 2011 - CONSTRUCTION DOCUMENTS





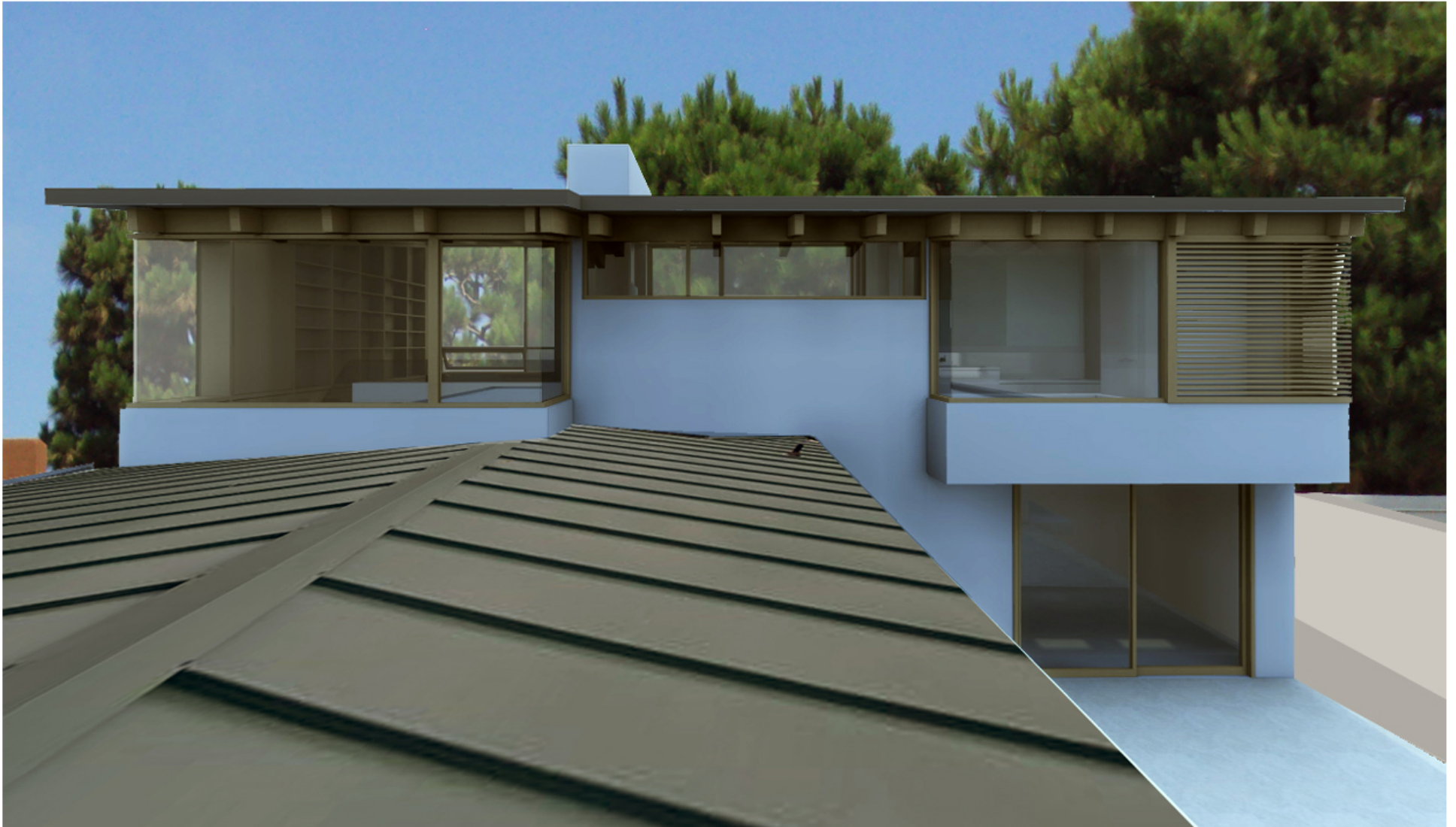




138 VIA XANTHE RESIDENCE

RENDERING

DATE: 11/22/11



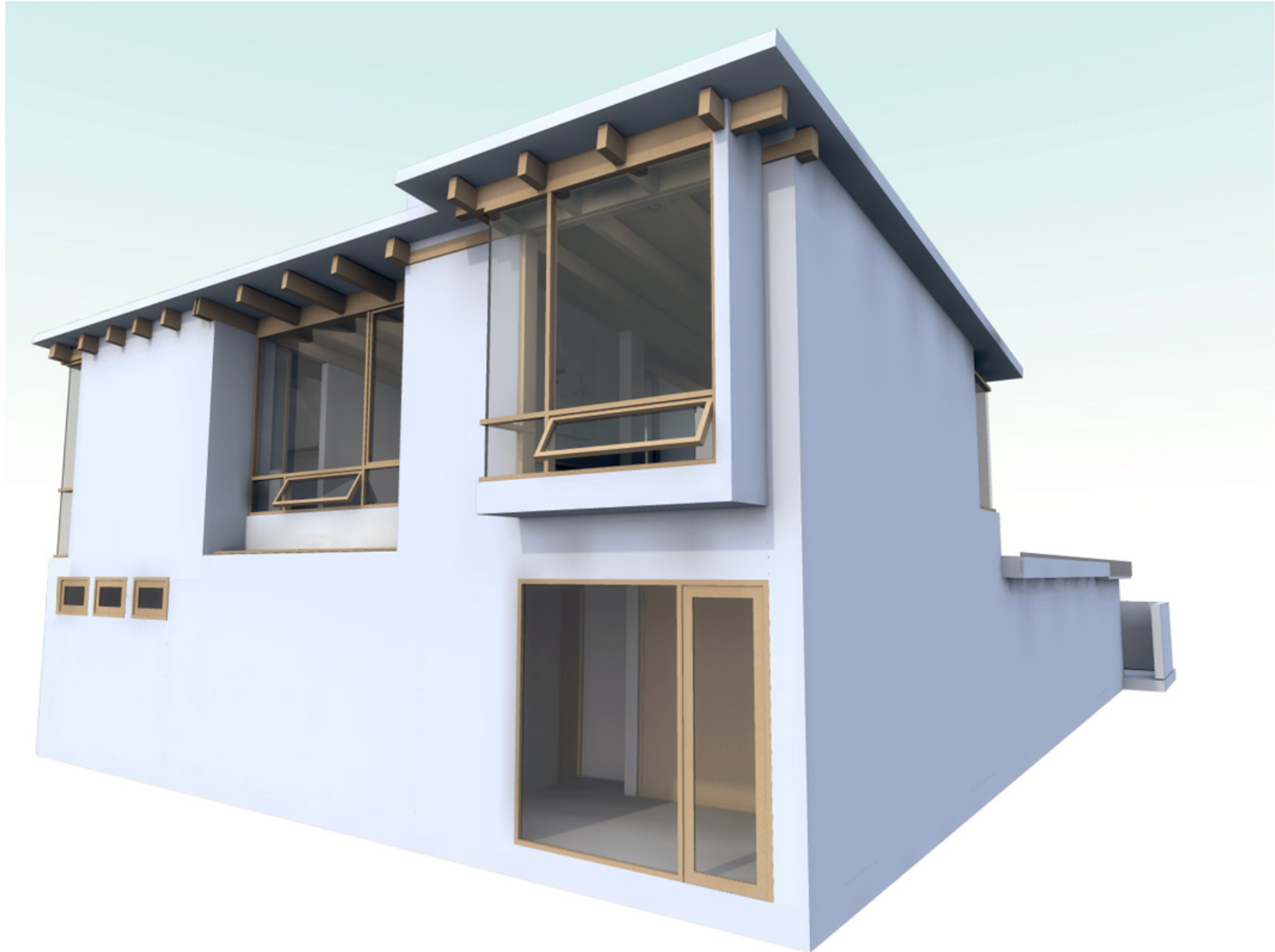
MCCLEAN DESIGN

T 714.505.0556

138 VIA XANTHE RESIDENCE

RENDERING

DATE: 11/22/11



MCCLEAN DESIGN

T 714.505.0556

138 VIA XANTHE RESIDENCE

RENDERING

DATE: 11/22/11



MCCLEAN DESIGN

T 714.505.0556

138 VIA XANTHE RESIDENCE

RENDERING

DATE: 11/22/11



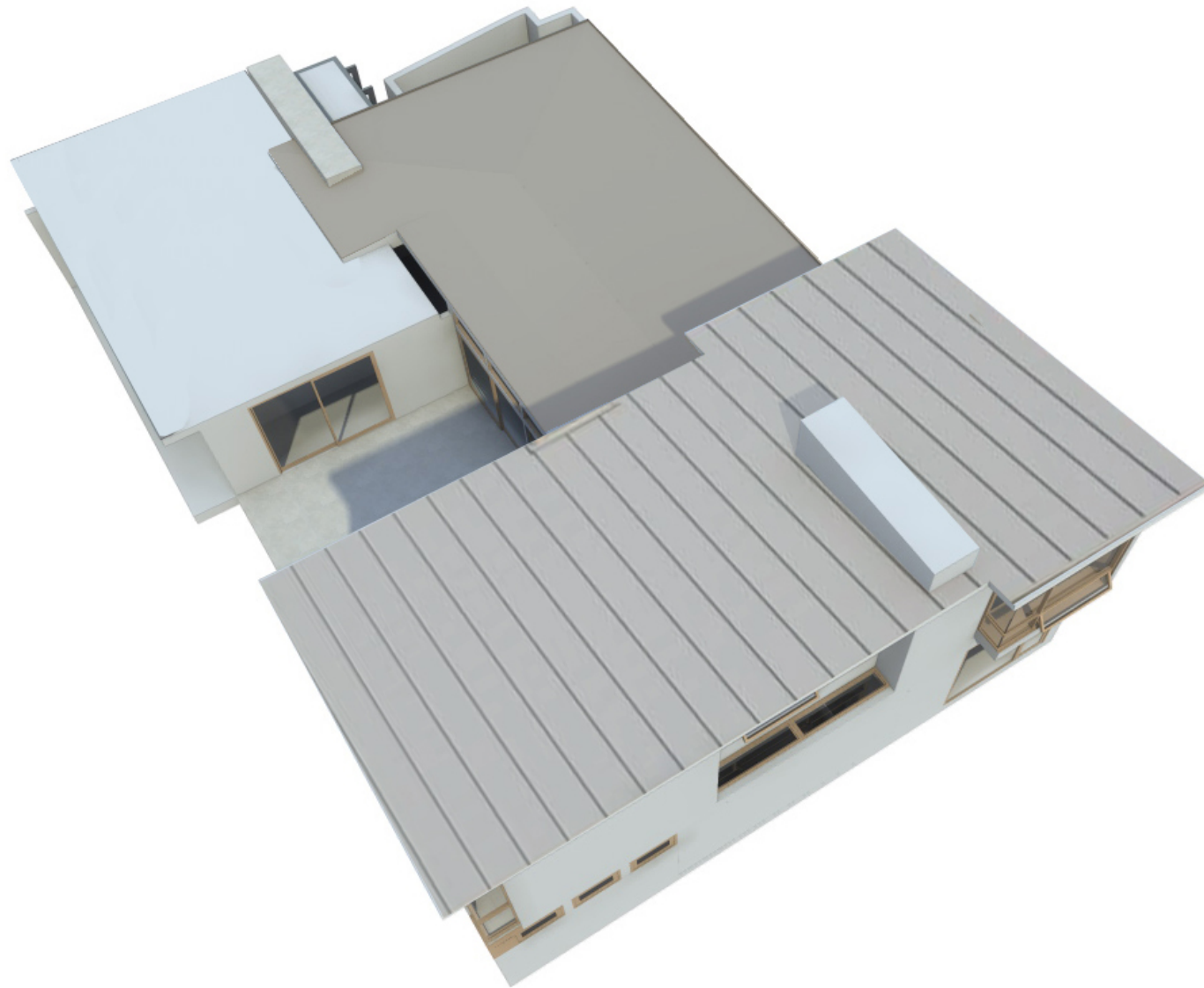
MCCLEAN DESIGN

T 714.505.0556

138 VIA XANTHE RESIDENCE

RENDERING

DATE: 11/22/11



MCCLEAN DESIGN

T 714.505.0556

Correspondence
Item No. 3a
Weinberg Variance
PA2011-207

August 1, 2011

City of Newport Beach
Attn: Planning Commission
3300 Newport Boulevard
Newport Beach, CA 92663

It is our understanding that Paul and Bailey Weinberg located at 138 Via Xanthe, Newport Beach, will be applying for a building permit and the current City code will only provide for a four-foot, side yard setback from the adjacent property line. We are writing this letter to notify the City that as the adjacent resident located at 130 Via Xanthe, Newport Beach we do not have an objection to the property owners using for their remodel plans the existing three-foot setback from our property line. If there are any questions, please contact us at the following address.

Wade and Ronda Clark
130 Via Xanthe
Newport Beach, CA 92663

A handwritten signature in black ink, appearing to read 'Wade Clark', with a stylized, cursive script.

Wade Clark

A handwritten signature in black ink, appearing to read 'Ronda Clark', with a stylized, cursive script.

Ronda Clark

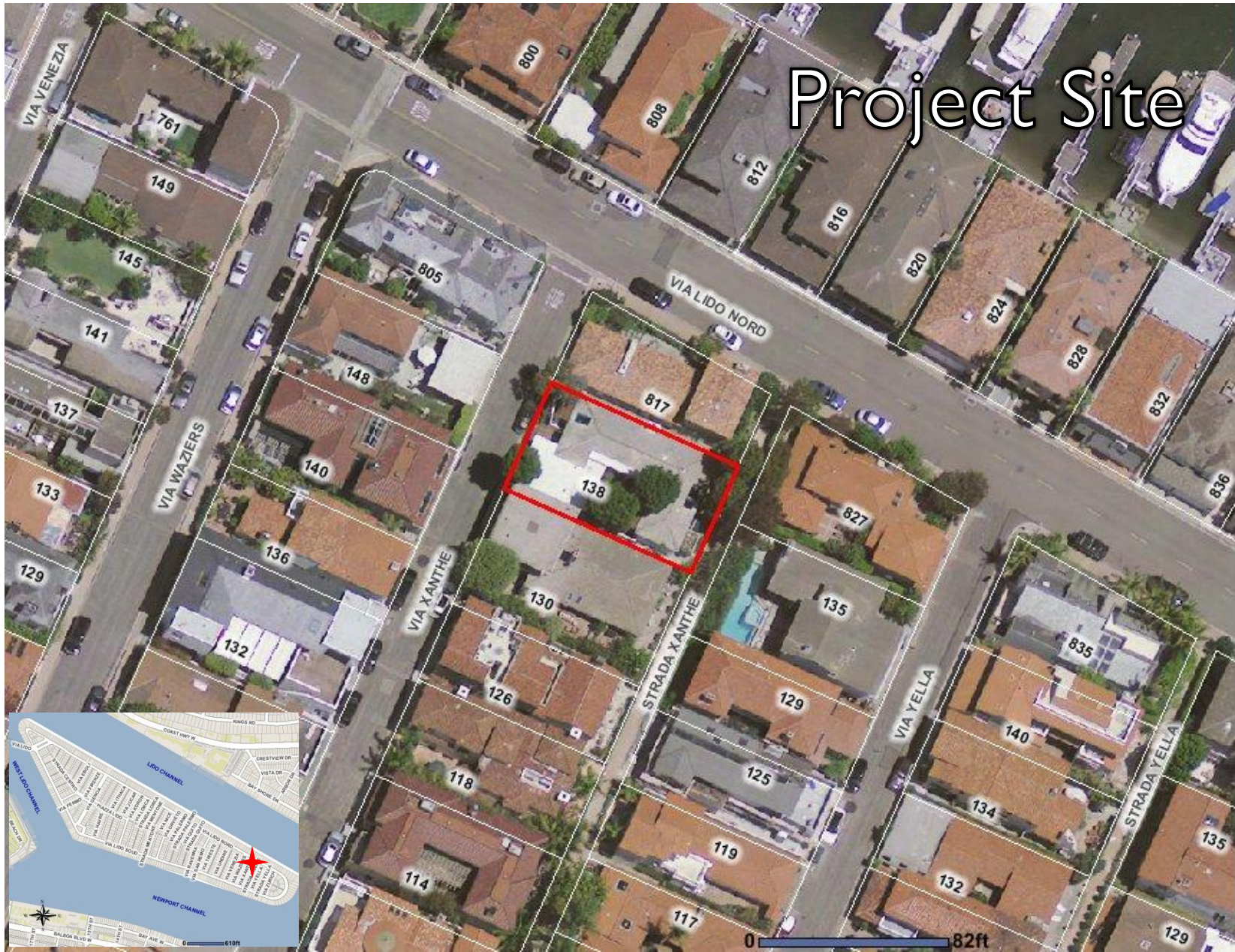
Weinberg Variance 138 Via Xanthe

Planning Commission
February 9, 2012



Presented By
James Campbell, Principal Planner

Weinberg Variance (PA2011-207) 138 Via Xanthe



Variance Request

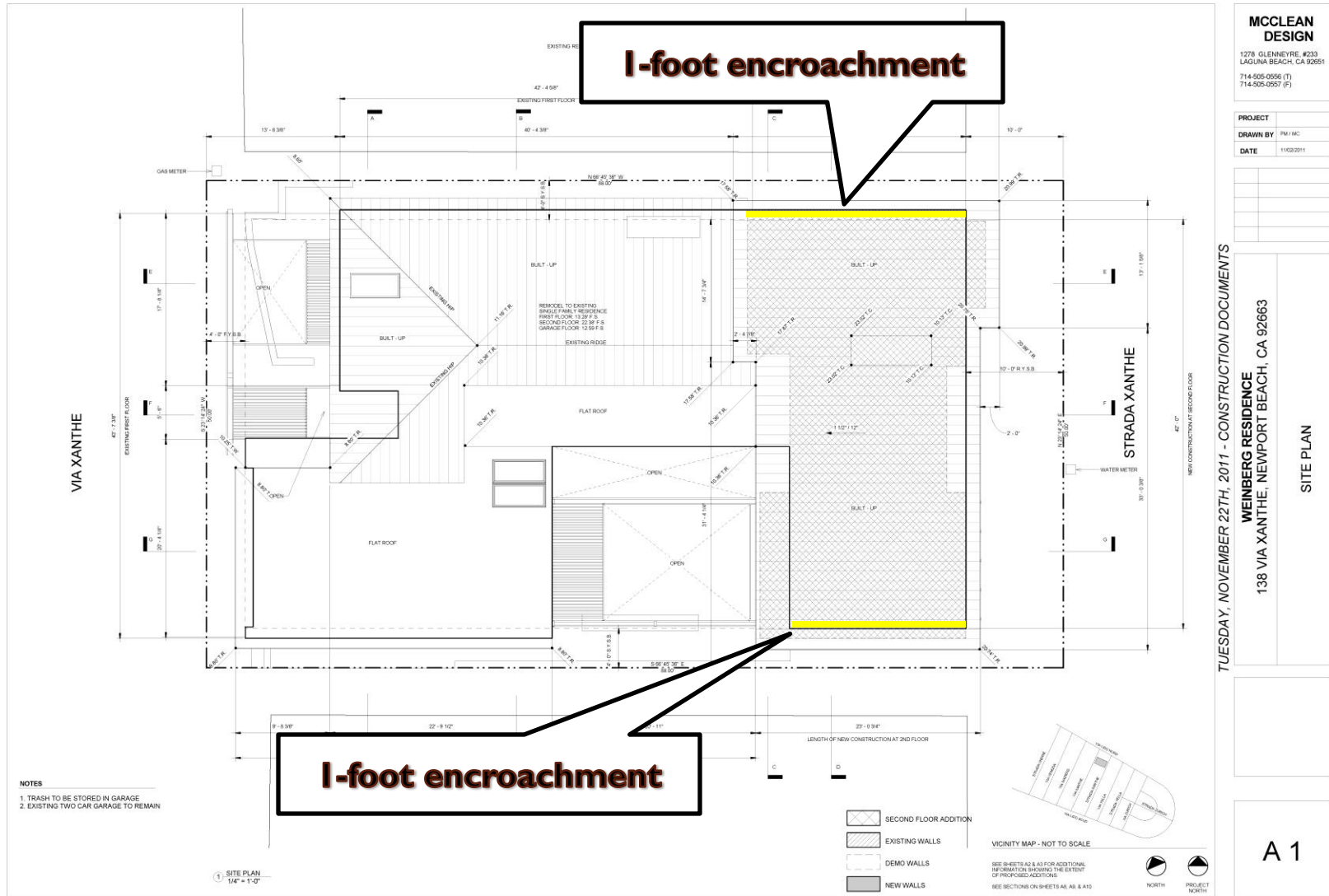
- Side yard setback encroachments
- 4-foot side yard setback required
- Second story, 818 square foot addition, would provide 3-foot setback (both side yards)

Background

- Home built in 1950, remodeled since
- Single-story
- 3-foot setbacks
- Legal nonconforming

Weinberg Variance (PA2011-207) 138 Via Xanthe

Site Plan







138 VIA XANTHE RESIDENCE

RENDERING

DATE: 11/22/11



MCCLEAN DESIGN

T 714.505.0556





138 VIA XANTHE RESIDENCE

RENDERING

DATE: 11/22/11



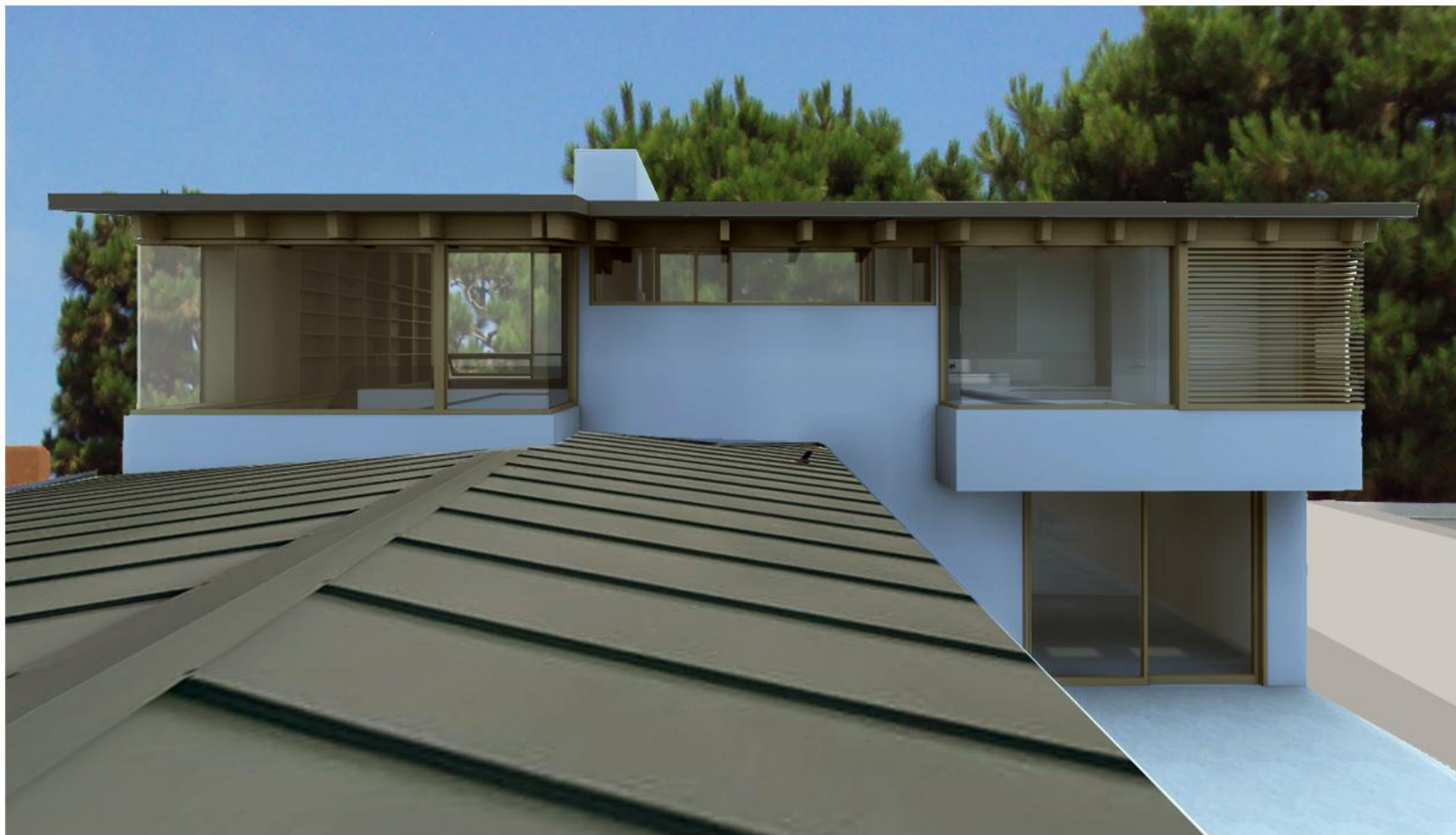
MCCLEAN DESIGN

T 714.505.0556

138 VIA XANTHE RESIDENCE

RENDERING

DATE: 11/22/11



MCCLEAN DESIGN

T 714.505.0556

138 VIA XANTHE RESIDENCE

RENDERING

DATE: 11/22/11



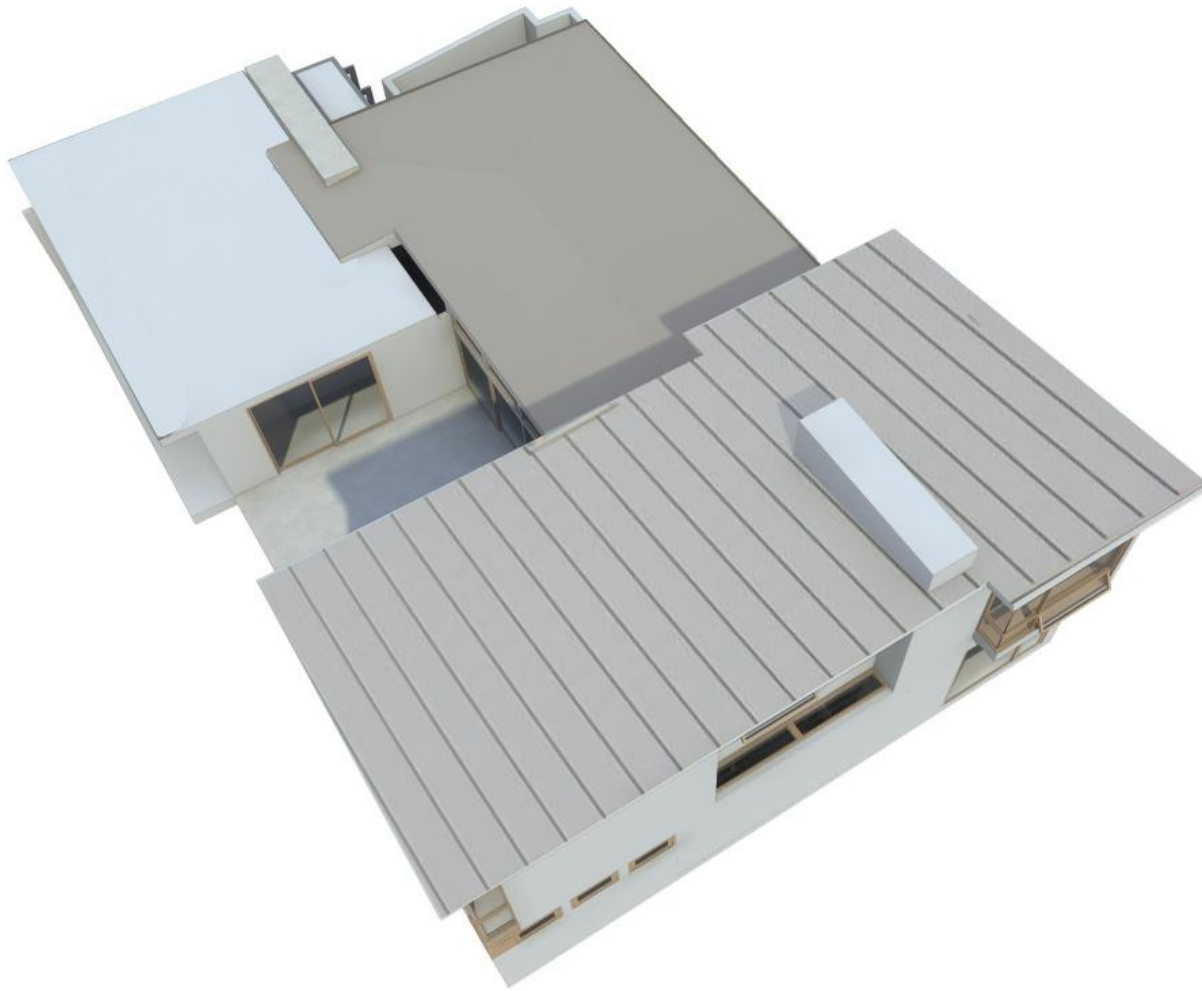
MCCLEAN DESIGN

T 714.505.0556

138 VIA XANTHE RESIDENCE

RENDERING

DATE: 11 / 22 / 11



MCCLEAN DESIGN

T 714.505.0556

Variance Findings

- Required setback would not allow addition to use existing wall for structural support
- Required setback would cause additional reconstruction or demolition of existing
- No detriment to abutting properties
 - Length of encroachment limited
 - No directly facing windows
 - Not built to full height

Recommendation

Adopt draft Resolution approving the application request

- Convert Condition No. 4 to a Finding

This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.

- Eliminate Condition No. 5

This Variance may be modified or revoked by the City Council or Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.